

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
February 21, 1994

File Name *ADM-1-1-1* RECORD COPY *EPC meeting*
Senators initials *JS* Feb. 1994

Meeting convenes at 10:00 a.m., Monday, February 21, 1994, in the fourth floor conference room. A contested case hearing is tentatively scheduled for 8:00 a.m., February 22, for the Schachtner and Schmitz hearings.

Public Participation

10:30 a.m.

Jack Soener - Air Construction Permits
Martha Martell - Air Rules
Kevin Carstensen - Protected Streams Rules

APPOINTMENTS:

Senator Berl Priebe (Protected Streams Rule) — 11:30 a.m.
Ted Payseur - (Item 14)
Amy Couch - (Item 15)

1. Approve Agenda.
2. Approve Minutes of December 20, 1993.
3. Director's Report. (Wilson) Information.
4. Monthly Financial Status Report. (Kuhn) Information.
5. Section 319 Contracts Approval. (Kuhn) Decision.
6. Ecoregion Pilot Sampling Project Contract. (Kuhn) Decision.
7. Landfill Alternatives Grant Applications. (Hay) Information.
8. 1993 Toxic Cleanup Days Report. (Hay) Information.
9. Toxics in Packaging Report to General Assembly. (Hay) Information.
10. Waste Tire Collection Pilot Program Report to General Assembly. (Hay) Information.
11. Monthly Reports. (Stokes) Information.
12. Notice of Intended Action--Chapter 134, Registration of Groundwater Professionals. (Stokes) Decision.
13. Notice of Intended Action--Chapters 103 and 111, Landfill Financial Assurance. (Stokes) Decision.
14. Notice of Intended Action--Chapter 67, Sewage Sludge. (Stokes) Decision.

15. Final Rule--Chapter 22, Air Construction Permit Exemptions. (Stokes) Decision.

Deleted
~~16. Notice of Intended Action--Chapter 22, Voluntary Operating Permits. (Stokes) Decision.~~

17. Proposed Contested Case Decision--Economy Solar Corporation. (Stokes) Decision.

18. Referrals to the Attorney General. (Stokes) Decision.

- a) Dale Hall, d/b/a hall Oil Co. (Des Moines)
- b) Robert Bodwell (Winterset)
- c) Wilbur McNear, d/b/a McNear Oil (Woodbine)
- d) Richard Newman (West Burlington)
- e) Harrison County Sanitary Landfill

19. Discussion on Procedure for Schachtner & Schmitz Hearing. (Stokes) Information.

20. General Discussion.

21. Address Items for Next Meeting.

NEXT MEETINGS:

March 21, 1994

April 18, 1994

May 16, 1994

ENVIRONMENTAL PROTECTION COMMISSION

Monday, February 21, 1994

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

ROBERT MAIN	IOWA WATER POLLUTION CONTROL ASSOC.	NEWTON
David Thompson	Thompson Envir. Cnsrv.	WDA
Melody Faler	Cargill	Eddyville
STEVE GENAHART	PRES. IOWA WATER POLLUTION CONTROL ASSOC.	Waterloo
STEVE BUYER	IES Industries	Cedar Rapids
Perry Beeman	DM Register	DM
DANNY VEST	GRONMARK, INC.	Bloomington, IL
Amy Couch	Sullivan & Ward	Des Moines
Kevin Carstensen	ICA	Odebolt
Martha Martell	Iowa Auto Dealers Assn	D.M.
R. Red Payson	Iowa Water Pollution Control Assoc.	WDM
Rick Kelley	UHL	DM
David Dooley	Midwest Power	Sioux City
JACK SOENER	ABI	D.M.
JACK Clark	Iowa Utility Assoc.	D.M.
Michael Gibson	Gaze He	D.M.
Linda Kadinsky	Iowa Assoc of Muni. Utility	DM
Bernie Koebernick	Iowa Assn of Electric Cooperatives	Urbandale
Tom Albertson	Wwa-Illinois Gas and Electric Co	Davenport

RECORD COPY EPC Meeting
File Name ADM-1-1-1 Feb. 1994
Senders Initials JS

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

FEBRUARY 21, 1994

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, February 21, 1994, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

- William Ehm
- Richard Hartsuck, Chairperson
- Rozanne King
- Charlotte Mohr
- Gary Priebe
- Nancylee Siebenmann, Secretary
- Clark Yeager, Vice-Chairperson

MEMBERS ABSENT

- Verlon Britt

Commissioner Britt phoned to report that he has a conflict and will not be able to attend the meeting.

ADOPTION OF AGENDA

- The following adjustments were made to the agenda:
- Add: Appointment - Senator Berl Priebe (Protected Streams Rules) 11:30 a.m.
 - Delete: Item #16, Notice of Intended Action--Ch. 22, Voluntary Operating Permits
 - Commissioner Ehm stated that under Item #20, General Discussion, he will present a proposal on the Protected Streams rules to broaden the variance provisions. He indicated that he expressed a concern with that issue at the December meeting and noted then that he would later make a proposed revision.

Motion was made by William Ehm to approve the agenda as amended. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of December 20, 1993 as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, circulated two Addy Awards presented to Teresa Hay and the Waste Management Assistance Division. The environmental shopping brochure developed by WMA won two Citations of Excellence in the Public Service Division, Copyright Category. They also won an award for a PSA they produced about waste management and recycling. He distributed copies of the shopping brochure to the Commission.

Director Wilson reported on REAP meetings being held around the state noting that eight meetings have been held to date. He related that attendance has been an average of 77 people per meeting, up from the average of 60 in 1992 but still far below the average of 175 in 1990. Mr. Wilson stated that people in attendance want to see REAP continue to be funded. He added that there has been concern expressed and recommendations made to take the Open Space portion of the REAP program and put it into conservation practices. He related that people attending the REAP meetings are not supporting that idea. He also noted that there is a good mixture of landowners, farmers, educators, and general public attending the meetings and making good recommendations. The REAP Congress will be held July 16, in Des Moines.

Chairperson Hartsuck commended Teresa Hay and her staff on receiving the Addy Awards.

Brief discussion followed in regard to the REAP meetings.

MONTHLY FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The staff will present the Year-To-Date division-level expenditure status as of 1/31/94. This schedule will be sent to the commissioners, separately, when it becomes available.

Attached are the division level YTD expenditure statements as of 1/31/94. There are no appreciable changes as compared to the 12/31/93 status.

The YTD budget amounts are calculated using general percentages of the annual budget regarding expected expenditures at this point. Parks continues to show an "over" budget condition which is related to both last year's flooding and limited State resources.

Not shown on these schedules are related revenue issues. Camping receipts are considerably behind last year's level and exacerbate the Parks budget concerns. However, this is offset,

somewhat, by higher (as compared to last year) rule 55 and Sand & Gravel receipts. Magazine subscription income is up as, using the same comparison. However, recall that last year's subscription income was lower than expected. FW license income is down about \$1.2 million as compared to 1/31/93.

Both the Energy and Geological Resources and the Environmental Protection divisions show considerable "surplus." However, in both divisions, this relates primarily to underexpenditure of funds budgeted for professional service contracts, and is generally not available for other areas or programs.

IOWA DEPARTMENT OF NATURAL RESOURCES
Division Expenditure Status Report, Dec. 31, 1993

Director's Office

EXPENSE	FY94	YTD BUDGET	YTD ACTUAL	UNDER(OVER)
	BUDGET	Jan. 31, 1994	Jan. 31, 1994	BUDGET
PERS SERV	993,316	576,123	540,953	35,170
PERS TRV IN	52,150	26,075	14,878	11,197
STATE VEHICL	8,431	4,915	2,484	2,451
DEPRECIATION	12,450	7,258	4,495	2,763
PERS TRV OUT	8,900	4,450	4,140	310
OFF SUPPLY	89,050	44,525	38,632	5,893
FAC MAINT SU	3,000	1,500	653	847
EQUIP MAINT	6,850	3,425	2,667	758
OTHER SUPPLY	57,150	28,575	26,298	2,277
PRINT & BIND	312,431	156,216	140,329	15,887
UNIFORMS	800	400	306	94
COMMUNICATIO	29,100	14,550	10,170	4,380
RENTALS	500	250	138	112
UTILITIES	750	375	115	260
PROF SERV	110,216	46,291	59,696	(13,405)
OUTSIDE SERV	24,100	12,050	11,409	641
ADVER PUB	10,000	5,000	0	5,000
DATA PROC	14,050	7,025	3,003	4,022
REIMBURSEMENT	6,175	3,088	152	2,936
EQUIPMENT	33,817	14,203	18,946	(4,743)
OTHER EXP	2,600	1,300	0	1,300
Totals	1,775,836	957,594	879,444	78,150

Note: An additonal \$56,000 is encumbered for equipment and contract printing.

Environmental Protection Commission Minutes
Administrative Services Divison

EXPENSE	FY94 BUDGET	YTD BUDGET Jan. 31, 1994	YTD ACTUAL Jan. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	3,669,678	2,128,413	2,084,269	44,144
PERS TRV IN	53,550	26,775	20,709	6,066
STATE VEHICL	59,000	34,397	29,292	5,105
DEPRECIATION	80,500	46,932	39,490	7,442
PERS TRV OUT	7,300	3,650	4,784	(1,134)
OFF SUPPLY	315,255	157,628	200,051	(42,424)
FAC MAINT SU	21,000	10,500	16	10,484
EQUIP MAINT	52,000	26,000	27,282	(1,282)
OTHER SUPPLY	14,300	7,150	6,142	1,008
PRINT & BIND	14,500	7,250	9,259	(2,009)
UNIFORMS	2,500	1,250	1,444	(194)
COMMUNICATIO	93,100	46,550	47,341	(791)
RENTALS	500	250	22	228
UTILITIES	0	0	425	(425)
OUTSIDE SERV	78,650	39,325	12,491	26,834
ADVER PUB	500	250	0	250
DATA PROC	91,700	45,850	75,845	(29,995)
AUDITOR REIM	150,000	75,000	41,042	33,958
REIMBURSMENT	118,150	59,075	63,282	(4,207)
EQUIPMENT	189,508	79,593	58,960	20,633
OTHER EXP	550,000	400,000	383,632	16,368
LICENSES	50	0	0	0
Totals	5,561,741	3,195,838	3,105,778	90,060

Note: Overage in Data Processing results from a lag in distribution of ISD central service charges to programs.
\$41,000 encumbered for equipment purchases and other minor items.

Parks, Preserves, and Recreation Division

EXPENSE	FY94 BUDGET	YTD BUDGET Jan. 31, 1994	YTD ACTUAL Jan. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	4,452,081	2,582,207	2,504,655	77,552
SEASONAL HELP	1,175,473	764,057	827,425	(63,368)
PERS TRV IN	61,775	30,888	43,731	(12,844)
STATE VEHICL	202,800	118,232	141,194	(22,962)
DEPRECIATION	294,000	171,402	177,805	(6,403)
PERS TRV OUT	7,685	3,843	3,046	797
OFF SUPPLY	46,700	23,350	14,932	8,418
FAC MAINT SU	454,800	191,016	259,344	(68,328)
EQUIP MAINT	299,999	150,000	189,048	(39,049)
PROF SUPPLY	1,000	500	0	500
AG CONS SUPP	30,000	15,000	13,592	1,408
OTHER SUPPLY	42,994	21,497	12,124	9,373
PRINT & BIND	33,000	16,500	8,737	7,763
UNIFORMS	46,277	23,139	11,192	11,947
COMMUNICATIO	105,502	52,751	47,566	5,185
RENTALS	34,900	17,450	21,433	(3,983)
UTILITIES	390,951	195,476	220,029	(24,554)
PROF SERV	74,000	37,000	25,419	11,581
OUTSIDE SERV	185,352	92,676	111,725	(19,049)
ADVER PUB	2,550	1,275	66	1,209
DATA PROC	6,000	3,000	1,757	1,243
REIMBURSMENT	2,475	1,238	1,964	(727)
EQUIPMENT	152,378	63,999	108,154	(44,155)
OTHER EXP	4,700	2,350	1,312	1,038
LICENSES	697	349	432	(84)
Totals	8,108,089	4,579,192	4,746,682	(167,490)

Note: Budget overages are primarily a result of normal seasonal variation in expenditures and larger than normal maintenance due to flood cleanup.
An additional \$ 115,900 is obligated for purchase of equipment and facility maintenance.

Forests and Forestry Division

EXPENSE	FY94 BUDGET	YTD BUDGET Jan. 31, 1994	YTD ACTUAL Jan. 31, 1994	UNDER(OVER) BUDGET
PERS SERVICES	1,732,551	1,004,880	977,940	26,940
SEASONAL HELP	105,826	68,787	46,511	22,276
PERS TRV IN	44,500	22,250	18,615	3,635
STATE VEHICL	92,500	53,928	42,155	11,773
DEPRECIATION	139,700	81,445	77,720	3,725
PERS TRV OUT	8,800	4,400	2,391	2,009
OFF SUPPLY	20,300	10,150	10,894	(744)
FAC MAINT SU	44,000	22,000	33,266	(11,266)
EQUIP MAINT	57,000	28,500	23,087	5,413
PROF SUPPLY	500	250	0	250
AG CONS SUPP	129,000	64,500	103,481	(38,981)
OTHER SUPPLY	39,900	19,950	12,350	7,600
PRINT & BIND	15,500	7,750	4,505	3,245
UNIFORMS	16,100	8,050	3,287	4,763
COMMUNICATIO	43,669	21,835	16,343	5,492
RENTALS	35,000	17,500	10,767	6,733
UTILITIES	37,000	18,500	11,427	7,073
OUTSIDE SERV	77,000	38,500	17,741	20,759
ADVER PUB	1,000	500	356	144
DATA PROC	3,300	1,650	854	796
REIMBURSMENT	550	275	245	30
EQUIPMENT	140,822	59,145	40,061	19,084
Totals	2,784,518	1,554,744	1,453,996	100,748

Note: Budget overage in "AG CONS SUPP" is primarily related to tree seed purchases in the fall and is normal. An additional \$51,100 is obligated for equipment and facility maintenance purchases.

Energy and Geological Resources Division

EXPENSE	FY94 BUDGET	YTD BUDGET Jan. 31, 1994	YTD ACTUAL Jan. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	2,390,834	1,386,684	1,297,673	89,011
PERS TRV IN	42,875	21,438	11,755	9,683
STATE VEHICL	20,850	12,156	8,883	3,273
DEPRECIATION	33,570	19,571	15,225	4,346
PERS TRV OUT	37,300	18,650	20,990	(2,340)
OFF SUPPLY	18,900	9,450	19,856	(10,406)
FAC MAINT SU	4,450	2,225	35	2,190
EQUIP MAINT	16,250	8,125	407	7,718
PROF SUPPLY	2,900	1,450	870	580
OTHER SUPPLY	41,850	20,925	8,706	12,219
PRINT & BIND	60,725	30,363	7,174	23,189
COMMUNICATIO	43,000	21,500	17,885	3,615
RENTALS	350	175	1,853	(1,678)
UTILITIES	13,500	6,750	5,956	794
PROF SERV	1,019,773	428,305	118,674	309,631
OUTSIDE SERV	39,075	19,538	6,483	13,055
ADV & PUBLICITY		0	207	(207)
DATA PROC	27,750	13,875	4,954	8,921
REIMBURSMENT	7,390	3,695	1,544	2,151
EQUIPMENT	126,119	52,970	46,256	6,714
OTHER EXP	2,600	1,300	4,639	(3,339)
Totals	3,950,061	2,079,143	1,600,025	479,118

Note: The division is significantly under budget in Professional Services because several planned contracts for the Energy program have not been awarded yet, and because of slow billing of several other contractual obligations. \$24,000 is obligated for equipment and professional services.

Environmental Protection Division

EXPENSE	FY94	YTD BUDGET	YTD ACTUAL	UNDER(OVER)
	BUDGET	Jan. 31, 1994	Jan. 31, 1994	BUDGET
PERS SERV	7,618,462	4,418,708	4,296,547	122,161
PERS TRV IN	84,800	42,400	25,576	16,824
STATE VEHICL	57,000	33,231	23,691	9,540
DEPRECIATION	65,000	37,895	35,920	1,975
PERS TRV OUT	101,202	50,601	34,585	16,016
OFF SUPPLY	74,500	37,250	41,926	(4,676)
FAC MAINT SU	5,600	2,800	193	2,607
EQUIP MAINT	14,200	7,100	4,012	3,088
PROF SUPPLY	21,350	10,675	0	10,675
OTHER SUPPLY	38,200	19,100	16,878	2,222
PRINT & BIND	41,250	20,625	24,798	(4,173)
UNIFORMS	3,500	1,750	1,407	343
COMMUNICATIO	134,800	67,400	66,869	531
RENTALS	66,700	33,350	32,681	669
UTILITIES	23,650	11,825	7,350	4,475
PROF SERV	2,099,648	881,852	466,540	415,312
OUTSIDE SERV	80,300	40,150	41,403	(1,253)
ADVER PUB	8,000	4,000	3,409	591
DATA PROC	251,200	125,600	66,049	59,551
REIMBURSMENT	25,600	12,800	6,187	6,613
EQUIPMENT	446,093	187,359	49,126	138,233
OTHER EXP	9,500	4,750	8,650	(3,900)
Totals	11,261,055	6,046,471	5,245,147	801,324

Note: Professional Services is significantly under budget, primarily in the 319 water planning program. \$40,200 is obligated for equipment purchases and printing.

Fish and Wildlife Division

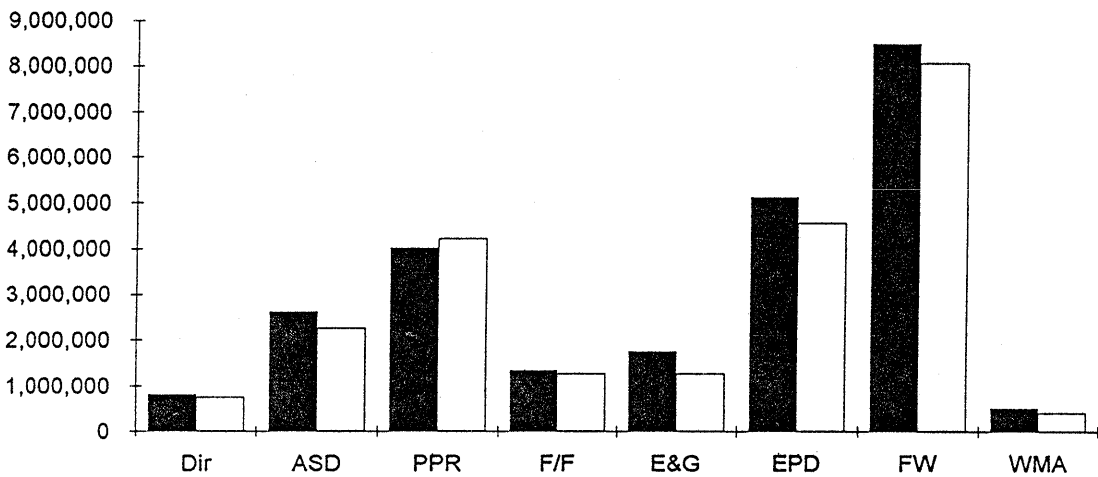
EXPENSE	FY94	YTD BUDGET	YTD ACTUAL	UNDER(OVER)
	BUDGET	Jan. 31, 1994	Jan. 31, 1994	BUDGET
PERS SERV	11,572,522	6,712,063	6,642,541	69,522
SEASONAL HELP	755,530	491,095	372,784	118,311
PERS TRV IN	333,170	166,585	159,960	6,625
STATE VEHICL	464,936	271,058	305,121	(34,063)
DEPRECIATION	727,480	424,121	397,820	26,301
PERS TRV OUT	29,400	14,700	16,436	(1,736)
OFF SUPPLY	299,118	149,559	196,260	(46,701)
FAC MAINT SU	475,227	237,614	184,754	52,860
EQUIP MAINT	334,436	167,218	179,907	(12,689)
AG CONS SUPP	344,075	172,038	154,540	17,498
OTHER SUPPLY	96,607	48,304	52,922	(4,619)
PRINT & BIND	191,666	95,833	64,735	31,098
UNIFORMS	133,275	66,638	42,024	24,614
COMMUNICATIO	188,950	94,475	107,130	(12,655)
RENTALS	66,035	33,018	26,670	6,348
UTILITIES	214,716	107,358	97,637	9,721
PROF SERV	334,000	140,280	68,271	72,009
OUTSIDE SERV	121,912	60,956	90,405	(29,449)
ADVER PUB	23,000	11,500	350	11,150
DATA PROC	53,200	26,600	39,797	(13,197)
REIMBURSMENT	158,450	79,225	17,661	61,564
EQUIPMENT	682,039	286,456	188,285	98,171
OTHER EXP	600	300	979	(679)
LICENSES	300	150	46	104
Totals	17,600,644	9,857,141	9,407,035	450,106

Note: \$193,100 obligated for equipment purchases, printing and various maintenance/supply categories.

Waste Management Assistance Division

EXPENSE	FY94	YTD BUDGET	YTD ACTUAL	UNDER(OVER)
	BUDGET	Jan. 31, 1994	Jan. 31, 1994	BUDGET
PERS SERV	716,525	415,585	394,861	20,724
PERS TRV IN	28,200	14,100	11,250	2,850
PERS TRV OUT	47,270	23,635	12,034	11,601
OFF SUPPLY	6,679	3,340	3,255	85
EQUIP MAINT	950	475	0	475
OTHER SUPPLY	18,050	9,025	754	8,271
PRINT & BIND	81,794	40,897	15,881	25,016
COMMUNICATIO	20,660	10,330	6,243	4,087
RENTALS	0	0	798	(798)
PROF SERV	143,190	71,595	23,450	48,145
OUTSIDE SERV	9,140	4,570	6,589	(2,019)
DATA PROC	5,020	2,510	2,068	442
REIMBURSEMENT	16,950	8,475	5,070	3,405
EQUIPMENT	2,200	924	0	924
OTHER EXP	5,200	2,600	4,639	(2,039)
Totals	1,101,828	608,060	486,892	121,168

DNR Division Budget Status, January 31, 1994



Mr. Kuhn briefly reviewed the budget noting that Parks is the only division over budget.

Discussion followed regarding the weather's impact on camping receipts, flood damage to several of the parks, and an overage in Office Supplies due to the lack of transfer of postage costs.

INFORMATIONAL ONLY

SECTION 319 CONTRACTS APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the following three contracts with the Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship, for three new nonpoint source pollution control projects. All contracts will be written for the period of March 1, 1994 through October 31, 1994 and will be funded using FY93 EPA Section 319 nonpoint pollution control funds awarded to the Department for these projects.

Beeds Lake Water Quality Protection Project, Franklin County, \$79,610

The contract will support the first year activities of a three year project to protect and improve the water quality of Beeds Lake. Protection of the lake will be accomplished by reducing sedimentation from soil erosion of cropland and nutrient loading from commercial fertilizer and animal waste in the Beeds Lake watershed. Contract funds will be used to support a project coordinator and to provide financial incentives for Best Management Practices including: a nutrient and pest management program, grassed waterways, grass/tree filter strips, and stream bank protection.

Storm Lake Water Quality Project, Buena Vista County, \$55,850

The contract will support the first year activities of a three year project to protect and improve the water quality of Storm Lake. Protection of the lake will be accomplished by reducing sedimentation from soil erosion of cropland and urban construction sites, nutrient loading from both agricultural and urban sources, and animal waste from livestock operations within the Storm Lake watershed. Contract funds will be used to support a project coordinator and to provide financial incentives for Best Management Practices to including: a nutrient and pest management program, contour farming, pasture and hayland management, filter strips and critical area planting.

Upper Big Mill Creek Water Quality Project, Jackson County, \$46,450

The contract will support the first year activities of a three year project to protect and improve the water quality of Upper Big Mill Creek. Protection of the creek will be accomplished by reducing sedimentation from soil erosion and nutrient loading from animal wastes and commercial fertilizers within the Upper Big Mill watershed. Contract funds will be used to support a project coordinator and provide cost-share incentives for Best Management Practices including: stream bank stabilization, sinkhole and spring protection, nutrient and pest management, no-till farming, and grazing management.

Mr. Kuhn gave a detailed explanation of each project.

Motion was made by William Ehm to approve the Section 319 Contracts for Water Quality Projects at Beeds Lake, Storm Lake, and Upper Big Mill Creek. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

ECOREGION PILOT SAMPLING PROJECT CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve a contract amendment with the University Hygienic Laboratory (UHL). The contract amendment would provide funds to UHL to assist Department staff in conducting an ecoregion pilot sampling project to sample biological, physical habitat, and water quality parameters at 15 reference sites. The contract amendment would be for a maximum of \$64,875 with cost breakdowns as follows:

Field Equipment (one-time expenditure, UHL to purchase but DNR will own equipment)	\$25,725
UHL staff	\$17,000
Laboratory Analysis (water chemistry and benthic macroinvertebrates)	\$22,150
Total	\$64,875

Funding for the pilot project will come from Section 604(b) EPA grant funds or from other EPA funds.

Results from the pilot program will be used to "fine tune" a sampling program for a larger, multi-year ecoregion sampling program involving approximately 110 reference sites in the 10 ecoregions or sub-ecoregions within Iowa. It is anticipated the complete sampling program would be a four to five year effort.

Department staff, working with the EPA, have identified 10 ecological regions (ecoregions) or sub-regions within the state. An ecoregion is an area of relative homogeneity insofar as soils, vegetation, climate, geology and physiography and an assumed homogeneity of ecosystem components. The sampling project would give the Department a better understanding of what is attainable insofar as aquatic biota within a region or sub-region and could lead to new or improved water quality standards and improved methods of assessing water quality to target watersheds for water quality initiatives. The EPA is strongly advocating a watershed-based approach to pollution controls and the ecoregion sampling project, if carried to completion, will leave the state in a much better position to carry out any required watershed-based initiatives and to address EPA's requirements to develop specific narrative and numeric biological water quality criteria.

Mr. Kuhn briefly explained the pilot sampling project.

Charlotte Mohr asked how the ten sites were chosen and if staff has a listing of the areas.

Mr. Stokes explained that the department and EPA jointly picked five ecoregions in the state, then picked three stream areas within each of the five as being representative of the cross section of the state. In choosing these streams they moved from SW to NE to get the variability in the different types of streams and habitat type of structures. He distributed copies of a map depicting each site and added that he will provide the Commission with a listing of the areas later today.

Motion was made by William Ehm to approve the Ecoregion Pilot Sampling Project Contract with University Hygienic Laboratory at a cost of \$64,875. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Jack Soener (Air construction/operating permit rules)

Jack Soener, Association of Business and Industry, stated that he appeared before the Commission in September and made several recommendations pertaining to the air quality operating permit program. One of those recommendations was to form a task force to address concerns with the implementation of the air operating permit program as it dovetails with the construction permit program. Mr. Soener stated that the task force has not been organized, but the Association has formed a subcommittee and drafted rule changes they think will streamline the permit process to be beneficial for the department and the regulated community. He urged the Commission to implement the task force and related that they could petition the Commission for rule changes or go to the General Assembly and ask for changes in the law if need be.

Nancylee Siebenmann asked why the task force has not been created.

Mr. Stokes stated that with the limited number of staff, and having to submit the air operating permit package to EPA along with working on the Title V Operating Permit rules, it has taken all available staff time.

Discussion followed and consensus was that staff work with the core group, along with any others suggested by Mr. Soener, to have something prepared for the Commission within the next 30 to 60 days.

Director Wilson asked Mr. Soener to phone him after his review committee has examined the draft rules. He noted that department staff will then follow up on this issue.

Martha Martell (Air construction/operating permit rules)

Martha Martell, Iowa Automobile Association, stated that she is representing new car and truck dealers in Iowa. She related that half of their members have car painting operations in their shops and those operations are regulated by the Clean Air Act rules. She noted that these operations emit particulate matter and VOCs and presented a history of the requirements or lack of requirements for paint booth permits. With new operating permits and new voluntary permits coming in to effect she is telling members they will need these permits along with a construction permit for the paint booth even if it wasn't required when it was installed. She suggested a possible exemption from the construction permit requirement for sources that qualify for a voluntary permit, if there was no construction permit required when the booth was installed. She also suggested possibly combining the construction permit and the operating permit into one.

Discussion followed regarding evolution of the policy requiring various permits.

Director Wilson asked if it would be appropriate for Ms. Martell to work on the task force group with Mr. Soener and DNR staff.

Mr. Stokes stated that the department will be regulating a number of groups that have not been regulated before and he would like Mr. Soener to let him know who should be included in the task force.

Kevin Carstensen (Protected streams rules)

Kevin Carstensen, farmer from Odebolt, addressed the Commission voicing concerns about the protected streams rules approved by the Commission in December. He distributed copies of a letter from Steven King, Board Chairman of the Iowa Land Improvement Contractors Association (LICA), opposing the protected streams rules. Mr. King's letter implies that there is no need for the rule and there must be a hidden agenda to eventually require filter strips and control all waters of the state. His letter also presented a history of wetland regulation and stated that the position of the LICA is that there is too much regulation now and that one of the responsibilities of the legislature is to strictly limit future regulation.

Mr. Carstensen also distributed copies of his statement and noted that he has found several inconsistencies in the process outlined in EPC rules (567)72.51. One inconsistency is that the staff did not make field investigations or prepare a report required to support the protected stream designations. He added that he feels the DNR did not inform property owners of the protection plans. He expressed concern with the terms "unique characteristics" and "water hydrologically connected" as used in the rules, and related that this is very vague and broad language which results in confusion. Mr. Carstensen stated that in reviewing the public comments summary there were 251 comments in opposition to the rules and only 49 in favor, yet the Commission voted with the minority. He added that the EPC eliminated the functions of communication and cooperation through an appeals process and asked them not to close the door on that process. In

closing, he stated that a motion to reconsider this rule and defeat it would correct the problem and give the appeals process back to the landowner.

Charlotte Mohr asked Mr. Carstensen why he did not come before the Commission in December when the rule was being acted on.

Mr. Carstensen stated that he was like many other landowners and was unaware of what was happening until it was too late. He added that he is speaking more for his neighbors that have no idea that this rule has been made. He related that he attended a public hearing on the rule and has followed the process but feels the process did not notify the people living along the streams well enough.

Chairperson Hartsuck remarked that he feels that comments of 250/opposed to 49/favor does not indicate that the people of Iowa, as a majority, are opposed to stream protection. He pointed out that normally those who oppose an issue are the ones that make comments rather than those in favor of it. He related that anything any of us do with our own property can infringe on property rights of others, adding that in today's society we all live downstream from someone. Also, factories and utilities are property owners and are very highly regulated but it is for the greater good of society and the rights of others to clean air and clean water.

William Ehm stated that the action he will propose later today will not be a motion to reconsider; it will still support the rule but will give a broader variance process.

LANDFILL ALTERNATIVES GRANT APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Fifty-seven (57) applications were received for consideration during the December 1993, grant round. Applicants have requested over \$9.6 million in grant assistance. Approximately \$2 million is available for award to recommended projects.

A summary of applications submitted is attached for the Commission's information. Grant application review is scheduled to take place on January 24, 25, and 26, 1994. Awards will be announced by the middle of February. Most grant contracts requiring Commission approval will be presented in March.

LANDFILL ALTERNATIVES GRANT PROGRAM, APPLICATIONS RECEIVED, DECEMBER 1993

The Department of Natural Resources received 57 grant applications for financial assistance consideration during the December 1993, grant round. These 57 applicants requested

\$9,625,529.99 in grant assistance. Approximately \$2,000,000 is available for awarding to recommended projects.

Applications Received By Applicant Type:	# Received	Grant Amount Requested
Local Government	16	\$ 2,422,235.13
Private For Profit	36	\$ 6,712,503.86
Private Not For Profit	5	\$ 490,791.00
Applications Received By Project Type:		
Waste Reduction	5	\$ 312,306.30
Recycling\Reuse\Composting	50	\$ 8,808,591.69
Combustion With Energy Recovery	2	\$ 504,632.00
Combustion For Volume Reduction	0	\$ 0.00

APPLICATION SUMMARIES

APPLICATION 1: North Central Iowa Regional Solid Waste Agency

REQUEST: \$ 645,000

APPLICANT: Local Government Gary Schmidt, Director

DESCRIPTION: The applicant proposes to process waste tires and test the tire chips in determining the optimum size for use as a leachate collection medium. Once the optimum size has been determined, the processed tire chips will be used in the applicant's planned landfill expansion. The applicant is located in Fort Dodge, Webster County and serves all of Webster County, the City of Eagle Grove in Wright County, five communities in Humboldt County, and four communities in Calhoun County. Grant funds are requested for the purchase of a tire shredding system, dump trucks and trailers, a front end loader, and wages.

APPLICATION 2: Stuhr Enterprises, Inc.

REQUEST: \$ 69,932

APPLICANT: Private For Profit Ed Stuhr, President

DESCRIPTION: The applicant proposes to purchase and install a furnace system capable of burning wood waste currently being landfilled and the capture and use of the resulting heat. Scrap wood will be stockpiled during non-heating seasons for later use. The applicant is located in the City of Wilton, Muscatine County. Grant funds are requested to assist in the purchase and installation of the furnace system, and building modifications.

APPLICATION 3: ~~DRG Material Recovery Systems~~

REQUEST: \$ 300,000

APPLICANT: Private For Profit Doug Grell, CEO

DESCRIPTION: The applicant proposes to establish a materials recovery facility to be located near the City of Stanwood, Cedar County. Recyclable materials received at the facility will be mechanically separated and processed for marketing. The remaining materials will be processed into fuel briquettes and sold as refuse derived fuels. Grant funds are requested for licenses, fees, permits, and engineering fees.

APPLICATION 4: Sioux Land Mat Company

REQUEST: \$ 79,800

APPLICANT: Private For Profit Gene Hiemstra, Owner

DESCRIPTION: The applicant manufactures rubber mats for livestock from waste rubber and waste rubber hose. The applicant is located in the City of Sioux Center, Sioux County. Materials utilized in the applicant's manufacturing process will be recovered from across the State of Iowa. Grant funds are requested to complete the purchase of the business, building purchase, equipment, and wages.

APPLICATION 5: Creston Sanitation, Inc.

REQUEST: \$ 245,000

APPLICANT: Private For Profit Bob Marquart, Vice President

DESCRIPTION: The applicant, located in the City of Creston, Union County, proposes to expand the existing regional recycling facility to improve processing efficiency and materials marketing. Grant funds are requested for building construction, equipment, collection containers, and public education. The project will serve all or portions of seven south central counties and includes recyclables from both residential and commercial generators.

APPLICATION 6: Estherville Pallet Company

REQUEST: \$ 164,652

APPLICANT: Private For Profit Merle Johnson, Owner

DESCRIPTION: ~~The Estherville, Emmet County applicant is proposing to grind waste~~
pallet wood for use as landscape mulch. Waste pallet wood will be obtained from northern Iowa, portions of Minnesota, and portions of South Dakota. Grant funds are requested for the purchase of a grinder, and building construction.

APPLICATION 7: H & H Recycling

REQUEST: \$ 263,989.10

APPLICANT: Private For Profit Mike Hawn, Owner

DESCRIPTION: The applicant is located in Spirit Lake, Dickinson County, and proposes to expand the existing recycling center, increasing the number of communities provided curbside collection, and servicing additional business and industry for recyclable materials collection. Grant funds are requested for the purchase of processing equipment, collection vehicles, tractor trailers, additional employee wages, and building construction.

APPLICATION 8: Shamrock Recycling

REQUEST: \$ 153,900

APPLICANT: Private For Profit Hugh Flannegan, President

DESCRIPTION: The applicant proposes to establish a regional composting facility, located near the City of Emmetsburg in Palo Alto County. The facility would accept yard waste and other compostable materials from eleven counties in northwest and north central Iowa. Finished compost would be land applied adjacent to the composting facility. Grant funds are requested for building construction, composting pad and stormwater retention pond construction, and the purchase and installation of a scale.

APPLICATION 9: Buena Vista County Solid Waste Commission

REQUEST: \$ 90,830

APPLICANT: Local Government David Wiley, Chairperson

DESCRIPTION: The proposed project involves expansion of the existing recycling center and the purchase of additional processing equipment. The applicant, located in the City of Storm Lake, Buena Vista County, is requesting grant assistance for building construction and the purchase and installation of processing equipment. The project involves the processing and marketing of recyclable paper wastes and handling of compostable waste from a larger service area. The proposed service area is all of Buena Vista and Cherokee Counties and the City of Fonda in Pocahontas County.

APPLICATION 10: Vradenburg Enterprises, Inc.

REQUEST: \$ 206,250

APPLICANT: Private For Profit Arthur Vradenburg, President and Owner

DESCRIPTION: The proposed project involves the collection of industrial plastic waste from fifty-seven counties in eastern and southern Iowa. Collected plastics will be sorted, granulated, and marketed to displace the use of virgin plastics. Grant funds are requested for expanding the existing operation through the construction of a storage warehouse, the purchase and installation of additional equipment, the purchase of a semi-tractor, and trailers. The applicant is located in the City of Keokuk, Lee County.

APPLICATION 11: Buy Rite Pallets

REQUEST: \$ 231,195

APPLICANT: Private For Profit Kelly Pry, Owner

DESCRIPTION: The proposed project, located in the City of Bronson, Woodbury County, involves the shredding of a wide variety of organic wastes into an end use product for use as poultry and livestock bedding, landscape mulch, and boiler fuel. The project will service eleven western and northwestern Iowa counties. Grant funds are requested for the purchase of equipment and a vehicle.

APPLICATION 12: Lafarge Corporation

REQUEST: \$ 434,700

APPLICANT: Private For Profit Ron Beltz, Engineering Manager

DESCRIPTION: The applicant, located in the City of Buffalo, Scott County, is proposing to utilize whole tires as supplemental kiln fuel in the manufacture of cement. Grant funds are

requested for the purchase and installation of equipment, air emissions testing and reporting, and engineering. Scrap tires would be collected from a 100 mile radius of the facility.

APPLICATION 13: Bennett Recycling

REQUEST: \$ 199,079

APPLICANT: Private For Profit Dan Bennett, Owner

DESCRIPTION: The applicant is located in the City of Ottosen, Humboldt County and is proposing to expand existing recycling center operations and increase recyclable materials recovery. The proposed project service area includes thirteen communities in the Counties of Humboldt, Kossuth, Palo Alto, and Pocahontas. Grant funds are requested for the purchase and installation of processing equipment and building construction.

APPLICATION 14: South Dallas County Landfill Agency

REQUEST: \$ 72,478

APPLICANT: Local Government Shirley McAdon, Chairperson

DESCRIPTION: The proposed project involves the removal of usable construction and demolition materials for reuse, rebuilding wood pallets, and grinding scrap wood, brush and tree limbs into landscape mulch. The project's service area includes the City of Adel, southern Dallas County and the western portion of Polk County. Grant assistance is requested for the purchase and installation of equipment, the purchase of a semi-tractor and trailer, storage building construction, educational programs, and wages.

APPLICATION 15: Addoco, Inc.

REQUEST: \$ 236,406

APPLICANT: Private For Profit, Stephen Rodham, President

DESCRIPTION: The applicant is located in the City of Peosta, Dubuque County, and proposes to refurbish usable wooden pallets and grind unusable pallets into livestock bedding, landscape mulch, and boiler fuel. Pallets will be procured from Dubuque County and northeast Iowa. Grant funds are requested for the construction of a processing building, the purchase and installation of equipment, and wages.

APPLICATION 16: Riverside Pallet Company

REQUEST: \$ 299,936

APPLICANT: Private For Profit John Hahn, Owner

DESCRIPTION: The applicant is proposing to expand existing operations involved with pallet refurbishing and the manufacture of animal bedding and landscape mulch from wood waste and cardboard. Grant funds are requested for the construction of a building addition to bring materials storage and processing indoors, and the purchase and installation of additional equipment. The applicant is located in the City of Riverside, Washington County and will serve twenty-one counties in east central and southeastern Iowa.

APPLICATION 17: City of Davenport

REQUEST: \$ 300,000

APPLICANT: Local Government Scott Plett, Compost Manager

DESCRIPTION: The applicant, the City of Davenport located in Scott County, is proposing to establish a co-composting facility for the co-composting of yard waste and wastewater sewage sludge. Grant funds are requested for site development, building construction, and the purchase of processing equipment. The proposed project will serve Scott County.

APPLICATION 18: Controlled Materials Equipment Transportation (C.M.E.T.) Corporation

REQUEST: \$ 138,220.56

APPLICANT: Private For Profit Robert Siegreist, Owner

DESCRIPTION: The applicant is located in the City of Council Bluffs, Pottawattamie County and is proposing to improve current tire recycling operations by recovering additional waste rubber from scrap tires and increasing the marketability of the tire's bead wire. Grant funds are requested for the purchase of auto and truck tire debadders and the purchase of a semi-tractor and trailer. The project will serve waste tire sources within a 125 mile radius of the City of Council Bluffs.

APPLICATION 19: B & B Bedding

REQUEST: \$ 92,000

APPLICANT: Private For Profit Cornie Brouwer, President

DESCRIPTION: The applicant is proposing to expand the existing wood waste recycling facility. Grant funds are requested for building construction/remodeling and the purchase of walking-floor trailers. Wood waste is processed into livestock bedding, landscape mulch, and boiler fuels. The applicant is located in the City of Oskaloosa, Mahaska County and wood waste received is from wood waste generators statewide.

APPLICATION 20: Honey Kissed Pizza

REQUEST: \$ 39,917.50

APPLICANT: Private For Profit Randy Harrington, Owner

DESCRIPTION: The applicant, located in the City of Storm Lake, Buena Vista County, is proposing to implement the use of a reusable container for home delivery of pizzas, thereby replacing the use of disposable cardboard pizza containers. The applicant is requesting grant assistance for building remodeling, equipment, development of prototype reusable container molds, advertising, and equipment. The applicant's proposed service area is the Cities of Storm Lake and Alta, and the surrounding area.

APPLICATION 21: Ron Cox Sanitation and Recycling

REQUEST: \$ 293,696.90

APPLICANT: Private For Profit Ron Cox, Owner

DESCRIPTION: The applicant is located in the City of North English, Iowa County and is proposing to expand the existing recycling center and recycling operations throughout the service area of Iowa County, and portions of Keokuk, and Washington Counties. Grant assistance is requested for building construction, the purchase of equipment, and a vehicle.

APPLICATION 22: Cherokee County Work Activity Center

REQUEST: \$ 62,422

APPLICANT: Private Not For Profit Don Agostine, Director

DESCRIPTION: The applicant is proposing to divert scrap pallets from the landfill, refurbish them into new pallets and market them to local businesses. Unusable wood will be incinerated for heating the facility. The applicant is located in the City of Cherokee, Cherokee County and the proposed project will serve Cherokee County.

APPLICATION 23: Utah Tire Recyclers

REQUEST: \$ 181,800

APPLICANT: Private For Profit Robert Jahries, Vice President

DESCRIPTION: The applicant is located in the City of Des Moines, Polk County and is seeking grant assistance for the purchase and installation of equipment. The proposed project involves expanding an established waste tire recycling operation by providing equipment capable of processing large farm and industrial tires into tire derived fuels. The project service area would include the entire state.

APPLICATION 24: R and D Recycling

REQUEST: \$ 24,950

APPLICANT: Private For Profit Rondall Callahan, Owner

DESCRIPTION: The applicant is proposing to expand their existing wood pallet repair business through the purchase of a tractor, truck, and equipment. The project involves reclaiming repairable pallets from businesses within the 75 mile project service area. The applicant is located in the City of Tama, Tama County.

APPLICATION 25: Metro Area Housing Program, Inc.

REQUEST: \$ 103,454

APPLICANT: Private Not For Profit Mary Schoen-Clark, President

DESCRIPTION: The applicant is located in the City of Cedar Rapids, Linn County is proposing to establish a permanent architectural salvage program employing area youth. The proposed project involves the salvage of usable building materials from demolition sites for reuse in rehabilitating other houses in the area. The project service area is Linn County. Grant funds are requested for wages, training, transportation, heating system, and supplies.

APPLICATION 26: The Paper Shed

REQUEST: \$ 52,048

APPLICANT: Private For Profit Ronald Wright, Owner

DESCRIPTION: The applicant is located in the City of West Liberty, Muscatine County and is proposing to expand the existing facility which manufactures animal bedding from old newspaper. Grant funds are requested for the purchase of a tractor, forklift, grinder, and a baler. The applicant receives raw product from nine suppliers located in northeast and eastern Iowa.

APPLICATION 27: Corkery Recycling Services

REQUEST: \$ 300,000

APPLICANT: Private For Profit Larry Corkery, Owner

DESCRIPTION: The applicant is located in the City of Waterloo, Black Hawk County. The proposed project involves automating commingled recyclables separation and expanding existing recycling operations by committing to a greater volume of solid waste landfill diversion. The project will serve eight counties in eastern and northeastern Iowa. Grant funds are requested for the purchase and installation of equipment, the purchase of a semi-trailer, wages, supplies, utilities, and education.

APPLICATION 28: City of Bettendorf

REQUEST: \$ 300,000

APPLICANT: Local Government Jerry Springer, Director of Public Works

DESCRIPTION: The Scott County applicant is proposing to implement a curbside recycling program for the City of Bettendorf. The program involves monthly, semi-automated split cart collection of recyclables. Grant funds are requested for collection trucks, curbside collection carts, promotional and educational materials, and wages.

APPLICATION 29: Till's Tree/Stump Removal

REQUEST: \$ 222,300

APPLICANT: Private For Profit Eldon Till, Owner

DESCRIPTION: The applicant is located in the City of Davenport, Scott County and is proposing to grind large trees, stumps, wooden boxes, and pallets into mulch and animal bedding. Grant funds are requested for the purchase of a grinder, semi-tractor, dump trailer, and an end loader. The project will initially serve Scott County with expansion to surrounding counties possible.

APPLICATION 30: Kendrick Forest Products

REQUEST: \$ 277,372

APPLICANT: Private For Profit Rhonda Kendrick, General Manager

DESCRIPTION: The applicant is proposing to recover wood slabs generated from their sawmilling process and resaw them into usable pieces of lumber. The applicant is located in the City of Edgewood, Delaware County and the project will serve Clayton and Delaware Counties. Grant funds are requested for the purchase of equipment and wages.

APPLICATION 31: Walnut Sanitation

REQUEST: \$ 23,200

APPLICANT: Private For Profit La Vonne Wood, Owner

DESCRIPTION: The applicant is located in the City of Walnut, Pottawattamie County and is proposing to provide drop-off recycling. The project will collect recyclables from the Cities of McClelland, Minden, Neola, and Walnut. Collected recyclables will be delivered to an existing recycling center. Grant funds are requested for the purchase of drop-off recycling trailers.

APPLICATION 32: Brief Encounters Laundry Service

REQUEST: \$ 90,266.80

APPLICANT: Private For Profit Pam Berg, Co-Owner

DESCRIPTION: The applicant is proposing to expand an existing reusable brief laundry service for institutionalized adults. Grant assistance is requested for the purchase of additional reusable briefs, reusable bed pads, and carts for pick-up and delivery service. The applicant is located in the City of Storm Lake, Buena Vista County and the proposed project expansion will serve twelve counties in central and west central Iowa.

APPLICATION 33: Woodbury County Area Solid Waste Agency

REQUEST: \$ 126,063

APPLICANT: Local Government Richard Roark, Chairperson

DESCRIPTION: The applicant is located in the City of Merville, Woodbury County and is proposing to implement a project incorporating curbside collection, drop-off and reuse exchange

programs for rural households and the twelve rural communities serviced by the applicant. Grant assistance is requested for equipment, building construction, wages, and educational materials and programs. The project will impact the solid waste stream of Woodbury County.

APPLICATION 34: DAC, Inc.

REQUEST: \$ 54,663

APPLICANT: Private Not For Profit Benjamin Wright, Executive Director

DESCRIPTION: The applicant is located in the City of Maquoketa, Jackson County. The proposed project is to improve existing recycling center operations. Grant funds are requested for the purchase of a truck scale and baler. The project will serve Jackson County and surrounding communities outside of Jackson County.

APPLICATION 35: Kirkwood Community College

REQUEST: \$ 50,163

APPLICANT: Local Government Ron Toyne, Director of Industrial Technology

DESCRIPTION: The proposed project involves development of a waste management curriculum geared to each specific vocational technical program offered by the applicant. Students, staff, and faculty would be able to apply waste reduction, recycling, and reuse techniques at the class site and in their respective industry upon post-college employment. The applicant is located in the City of Cedar Rapids, Linn County and the project service area is all parts of the state served by community colleges. Grant assistance is requested for wages, travel, printing, and meeting costs.

APPLICATION 36: Lite-Form, Inc.

REQUEST: \$ 274,495

APPLICANT: Private For Profit Pat Boeshart, Owner

DESCRIPTION: The proposed project is intended to demonstrate a new technology for building commercial pre-cast wall panels using solid waste as an aggregate. The applicant is located in the City of Sioux City, Woodbury County and if successful, results of the project would be transferable across the state. Solid waste materials required will be supplied by the City of Sioux City. Grant funds are requested for a waste integration study, panel requirements and design study, panel testing, and wages.

APPLICATION 37: Recycling Services Associates, Ltd.

REQUEST: \$ 300,000

APPLICANT: Private For Profit Richard Kanne, Co-Owner

DESCRIPTION: The applicant is proposing to expand the existing facility, manufacturing landscape timbers from waste rubber and plastics. The project involves grant assistance for building and materials purchase and wages. The applicant is located in the City of Jefferson, Greene County and will serve as a market for waste rubber and plastic within the Midwest and market the landscape timbers throughout central U.S.

APPLICATION 38: Aldan Lane Company

REQUEST: \$ 93,000

APPLICANT: Private For Profit Cloyce Palmer, Owner

DESCRIPTION: The applicant is located in the City of Kalona, Washington County and is proposing to complete a plastic lumber extrusion production line thereby improving operating efficiency. The applicant serves as a market for post-industrial and post-consumer HDPE within a 250 mile radius of the facility. Products are marketed nationwide. Grant funds are requested for the purchase and installation of equipment and project promotional materials.

APPLICATION 39: Delaware County Solid Waste Disposal Commission

REQUEST: \$ 155,010

APPLICANT: Local Government Doug Reed, Recycling Coordinator

DESCRIPTION: The applicant is located in the City of Manchester, Delaware County and is proposing to expand the existing recycling center. Grant funds are requested for equipment, a semi-trailer, and building construction. The proposed project involves building additional storage and recyclables processing space to improve marketing conditions by providing larger quantities to markets and pursuing additional corrugated cardboard collection from area business and industry. The project service area includes Delaware County.

APPLICATION 40: KAL Services

REQUEST: \$ 36,650

APPLICANT: Private For Profit Lyle Vander Meiden, President

DESCRIPTION: The applicant is proposing to expand current recycling activities by requesting grant assistance for the purchase and installation of a conveyor and a baler to enable the applicant to begin accepting corrugated cardboard. The applicant is located in the City of Pella, Marion County and will serve Marion County.

APPLICATION 41: Organic Technologies Corporation

REQUEST: \$ 295,432

APPLICANT: Private For Profit Kristie Hirschman, Vice President

DESCRIPTION: The applicant is located near the City of Prole, Warren County and is proposing to improve the existing regional composting facility. Specific improvements include expansion of the processing area and construction of a cover for composting operations to enhance the composting process. The applicant is also proposing to develop, implement, and evaluate a source separation program with local grocery stores and restaurants to receive compostable materials from these establishments. Composted materials will be marketed. Grant funds are requested for building construction and equipment purchase. The project is to serve the State of Iowa.

APPLICATION 42: Recycled Plastics Industries, Inc.

REQUEST: \$ 300,000

APPLICANT: Private For Profit Lee Anderson, President

DESCRIPTION: The applicant is proposing to locate a facility in the City of Cresco, Howard County that will serve as a purchaser and marketer of the HDPE plastic waste stream with value added plastic products manufacturing and assembly. Materials procured by the applicant will be from the entire state. Grant funds are requested for the construction of a building, equipment purchase and installation, operational expenses, and wages.

APPLICATION 43: Diaper Exchange

REQUEST: \$ 51,439

APPLICANT: Private For Profit Beth Schnurr, Owner

DESCRIPTION: The applicant, located in the City of Fort Dodge, Webster County, is proposing to expand the current diaper service provided by the applicant, thereby reducing the volume of waste currently being landfilled. The project service area includes the City of Fort Dodge and Webster County. Grant funds are requested for the purchase of additional reusable diapers, delivery expenses, project promotion and education, laundering costs, and wages.

APPLICATION 44: Clinton County Area Solid Waste Agency

REQUEST: \$ 22,855

APPLICANT: Local Government Chuck Goddard, Administrator

DESCRIPTION: The applicant is located in the City of Clinton, Clinton County and is proposing to construct a building for storage of reuseable materials and equipment that consumers have no alternative to dispose of except in the landfill. Collected materials will be recovered from the solid waste stream or from materials dropped-off at the facility. Collected items will be made available to the public free of charge. Grant funds are requested to assist in the construction of a storage building, the purchase and installation of a scale, and wages. The project will serve Clinton County.

APPLICATION 45: Denny Berger

REQUEST: \$ 11,500

APPLICANT: Private For Profit Denny Berger, Owner

DESCRIPTION: The applicant, located in the City of Traer, Tama County, is proposing to utilize grant funds for the purchase of a shredder for the manufacture of animal bedding from old newspaper. Raw product is received from communities located in Grundy, Tama, and Black Hawk Counties and the animal bedding is sold to area farmers.

APPLICATION 46: ISU, Facilities Planning and Management

REQUEST: \$ 67,399

APPLICANT: Local Government Terry Schrandt, Groundskeeper

DESCRIPTION: The Iowa State University applicant, located in the City of Ames, Story County, is proposing to expand and improve the existing yard waste composting facility. Grant funds are requested to construct an asphalt pad upon which to implement composting activities and the purchase of a shredder that will allow the removal of contaminants and provide a "cleaner" product. The project service area includes the campus of Iowa State University.

APPLICATION 47: Iowa State University

REQUEST: \$ 67,716

APPLICANT: Local Government Gary Reynolds, Director of Facilities Management

DESCRIPTION: The Iowa State University applicant, located in the City of Ames, Story County, is proposing to implement a program to collect and recycle white office paper from the University's waste stream. Grant funds are requested for collection containers, wages, education materials, and operating expenses.

APPLICATION 48: Midwest Recycling and Mercury Recovery Services, Inc.

REQUEST: \$ 329,377

APPLICANT: Private For Profit Wayne Zumhoff, Vice President

DESCRIPTION: The applicant is proposing to expand the recovery and recycling of fluorescent tubes, mercury vapor and HP sodium bulbs, liquid mercury, and PCB ballasts. Also proposed is to accept certain plastics for processing and the manufacture of plastic lumber and landscape timbers. The applicant is located in the City of Dubuque, Dubuque County and the project service area would be all of Iowa, and portions of adjacent states, excluding Minnesota. Grant funds are requested for the purchase and installation of equipment, building lease and wages.

APPLICATION 49: Guthrie County

REQUEST: \$ 164,599

APPLICANT: Local Government Jay Coffman, Chair, County Board of Supervisors

DESCRIPTION: The applicant is located in the City of Guthrie Center, Guthrie County and is proposing to implement curbside collection of recyclables for the eight communities in the County currently without such service and maintain the current drop-box program for rural residents. Solid waste haulers will collect recyclables and deliver them to the proposed transfer station. Materials will be readied for transportation and transported to the Carroll County Materials Recovery Facility for processing and marketing. Grant funds are requested for the purchase of curbside collection containers, site preparation and building construction, equipment, education, and wages.

APPLICATION 50: Cedar County Work Shop, Inc.

REQUEST: \$ 237,678

APPLICANT: Private Not For Profit Jerome Miller, Business Manager

DESCRIPTION: The applicant is proposing to expand the existing recycling center in an effort to efficiently and successfully process and market increasing quantities of recyclable materials coming into the facility. Grant funds are requested to assist in the purchase and installation of equipment. The applicant is located in the City of Tipton, Cedar County and the project service area is Cedar County.

APPLICATION 51: Cedar Rapids Community School District

REQUEST: \$ 104,452.13

APPLICANT: Local Government Steven Chamblis, Acting Superintendent

DESCRIPTION: The applicant is located in the City of Cedar Rapids, Linn County and is proposing to implement a district-wide recycling program for the recovery of paper, cardboard, tin, plastic (HDPE), and glass. Grant funds are requested for equipment, materials transportation, collection containers, education, and wages. The area served by the project includes the Cedar Rapids Community School District.

APPLICATION 52: Carroll County Solid Waste Management Commission

REQUEST: \$ 83,700

APPLICANT: Local Government Jim Uveling, Director

DESCRIPTION: The proposed project involves development of an expanded regional wood waste recovery and processing program. Targeted materials include dimensional lumber, unusable pallets, and tree waste. Grant funds are requested for the purchase of a wood waste chopper, and a loader. The applicant is located in the City of Carroll, Carroll County and the project will initially serve Carroll County and parts of Calhoun County and is anticipated to expand to the other four counties in the West Central Iowa Management Association.

APPLICATION 53: River Valley Farms, Inc.

REQUEST: \$ 300,000

APPLICANT: Private For Profit Robert Ver Steegh, Owner

DESCRIPTION: The applicant proposes to construct earth bermed buildings with waste tires as the major component. Waste tires would be tied together to form a mat then filled with earth. The next layer of tires would be offset and then again filled with earth and so on. The applicant is located near the City of Eddyville, Mahaska County, and is seeking grant fund assistance for building construction.

APPLICATION 54: City of Newton Landfill

REQUEST: \$ 91,450

APPLICANT: Local Government Rod Van Dusseldorp, Landfill Superintendent

DESCRIPTION: The applicant is proposing to stockpile concrete, cement, cement products, brick, and asphalt from the solid waste stream at the landfill. When a sufficient quantity of these materials are stockpiled, the applicant will contract for these materials to be crushed. Crushed materials would be used at the landfill for road resurfacing and the applicant would make these materials available for sale to others needing road surface materials. The applicant is located near the City of Newton, Jasper County. The project will serve Jasper County. Grant funds are requested for material crushing services.

APPLICATION 55: Public Library of Des Moines

REQUEST: \$ 80,520

APPLICANT: Local Government Elaine Estes, Director

DESCRIPTION: The applicant is located in the City of Des Moines, Polk County and is proposing to establish a central location for waste reduction and recycling educational materials and programming. The project service area includes Polk County and the Cities of Norwalk, Carlisle, and Prairie City. As the applicant is part of the state library database, all residents of the state potentially have access to these solid waste education materials. Grant funds are requested for the purchase of equipment, supplies, educational materials, and materials cataloging.

APPLICATION 56: Home Recycling Exchange

REQUEST: \$ 32,574

APPLICANT: Private Not For Profit Lyle Ball, Director

DESCRIPTION: The applicant proposes to augment two existing programs by counseling low income persons in the planning and carrying out of home repair that is low in cost and cost effective in order to prevent house abandonment and subsequent demolition. The applicant also proposes to make available donated building materials to low income households and agencies providing low-cost housing. The applicant will warehouse building materials and match to persons in need of these materials. The applicant is seeking grant assistance for the purchase of a van and pick-up truck. The project will serve the Des Moines Metropolitan Area.

APPLICATION 57: Central Iowa Recycling, Inc.

REQUEST: \$ 100,000

APPLICANT: Private For Profit Greg Brown, Controller

DESCRIPTION: The applicant, located in the City of Des Moines, Polk County, is proposing to establish two manufacturing lines for the production of shipping pallets constructed of recycled plastics. Grant funds are requested for the purchase of equipment, wages, rent, and equipment fabrication and engineering. The project will serve the State of Iowa.

Ms. Hay distributed copies of a list of 15 grant applicants selected to receive grants. She noted that 13 of these grants are in excess of \$25,000 and will be brought for approval at the March meeting.

Brief discussion followed.

INFORMATIONAL ONLY

1993 TOXIC CLEANUP DAYS REPORT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The annual Toxic Cleanup Day report has been submitted to the General Assembly and the Governor. This report cites the results and cost of the Toxic Cleanup Days as required in code of Iowa 455F.8. This report contains detailed information on toxic cleanup days, as well as a brief background on household hazardous materials. In 1993, the DNR sponsored eighteen events throughout Iowa. The events were held in the following counties:

- | | | |
|----------|-----------|---------|
| Dubuque | Davis | Marion |
| Jackson | Wapello | Mahaska |
| Humboldt | Dickinson | Lucas |
| Webster | Woodbury | Monroe |

Scott

Buena Vista

Mitchell

Franklin

Cherokee

Hardin

In addition to the regularly scheduled toxic cleanup days, eleven emergency collections were held throughout Iowa. The Iowa Department of Natural Resources and the U. S. Environmental Protection Agency with funding assistance from the Federal Emergency Management Administration, conducted several emergency collections to assist flood victims. The collections were conducted in the counties of:

Polk

Story

Dickinson

Tama

Greene

Van Buren

Linn

Pottawattamie

Scott

Boone

Wapello

In the Spring of 1994, eleven counties will host a toxic cleanup day. These counties include:

Hancock	April 30
Ida	April 30
Emmet	April 30
Pottawattamie	May 7
Mills	May 7
Taylor	May 14
Page	May 14
Story	May 14
Van Buren	May 21
Marshall	May 21
Jefferson, Washington, Keokuk	May 21

The toxic cleanup days continue to be very popular and provide Iowans with an opportunity to do their share to clean up the environment. Copies of the report will be provided to the Commission at the February meeting.

(A copy of the report is on file in the department's Records Center)

Ms. Hay briefly reviewed the report and pointed out the dates established for events in Spring of 1994.

Charlotte Mohr asked if the same company that handled the events last year will be doing it again this year.

Ms. Hay stated that the same company will handle the Spring events because the contractor is hired for the fiscal year. Proposals will be submitted for new contracts in the Fall.

Discussion followed regarding some minor problems encountered with the current contractor. Also discussed was the time allotted for appointments.

INFORMATIONAL ONLY

TOXICS IN PACKAGING REPORT TO GENERAL ASSEMBLY

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The attached report is submitted for the Commssion's review. Code of Iowa, section 455D.19 requires that a report be submitted on the effectiveness of the Toxics in Packaging legislation no later than 42 months following July 1, 1990, and recommend any other toxic substances contained in the packaging to be added to the list in order to further reduce the toxicity of packaging waste. No additional toxic substances are recommended for inclusion at this time.

Toxics in Packaging Legislation

A Report to the Iowa General Assembly

Waste Management Assistance Division

Prepared by:

Reza Khosravi

January 1994

**Iowa Department of Natural Resources
Larry J. Wilson, Director**

Introduction

This report has been prepared in response to the mandates of the general assembly of the State of Iowa. Code of Iowa, section 455D.19 requires that a report be submitted on the effectiveness of

the Toxics in Packaging legislation no later than 42 months following July 1, 1990, and recommend any other toxic substances contained in the packaging to be added to the list in order to further reduce the toxicity of packaging waste. This review process will address why and how the legislation and the rules were adopted. No additional toxic substances are recommended for inclusion at this time.

History of legislation

Model Toxics in Packaging legislation was developed in 1989 by the Coalition of Northeastern Governors (CONEG) Source Reduction Task Force (SRTF), an organization comprising the nine Northeastern Governors, representatives of industry and public interest groups.

As of mid-1992, this legislation was adopted in seven of the CONEG States, and six states outside of the northeast region, including Iowa. The general assembly of the State of Iowa adopted this legislation effective July 1, 1990, as Code of Iowa, section 455D. 19.

The number of states adopting this legislation is growing gradually. As of mid-1993, sixteen (16) states nationwide have enacted this legislation. In addition, this legislation is currently pending in at least three states and has been introduced in both houses of Congress. Where it has been signed into law or is currently pending, the legislation closely follows the general guidelines of the Model. Yet, variations do exist; some of which are significant. For this reason, the CONEG Source Reduction Task Force established a Toxics in Packaging Clearinghouse (TPCH) in 1992, as a central mechanism to encourage consistent implementation of the toxics in packaging laws by individual states. The Waste Management Assistance Division joined TPCH in November 1993.

Intent of the Toxics in Packaging Legislation

The intent of the Toxics in Packaging legislation is to reduce the heavy metals of lead, cadmium, mercury and hexavalent chromium in packaging and packaging components sold or distributed throughout the state. With packaging accounting for approximately one-third of the total solid waste stream, the reduction of heavy metals in packaging should contribute significantly to decreasing the amount of toxics present in our environment.

Brief Summary of the Legislation

Iowa's legislation prohibits the sale of any package or packaging component to which lead, cadmium, mercury, or hexavalent chromium has been intentionally introduced. The legislation states that this prohibition should take effect within two years after the legislation is enacted in order to give affected companies adequate time to clear their inventory and reformulate. The legislation further requires that incidental introductions of the heavy metals must be limited to 600 parts per million (ppm) two years after the legislation is enacted, 250 ppm three years after it is enacted, and 100 ppm four years after it is enacted.

The legislation allows for certain exemptions while recommending an expiration date for each. The legislation's exemptions include packages and packaging components which 1) were manufactured prior to effective date; 2) must comply with federal health or safety requirements; 3) for which there is no feasible alternative; 4) would not exceed the maximum contaminant levels but for the addition of post-consumer materials.

The legislation requires that manufacturers, distributors and suppliers furnish a certificate of compliance to the purchaser of packaging. ~~This provision does not apply to individual consumers making purchases at the retail level.~~ The certification must be made accessible to the state or the public upon request.

Administrative Rules promulgated in Iowa

Code of Iowa, section 455D.19, mandated that administrative rules be adopted. Toxics in Packaging administrative rules (Iowa Administrative Code, Chapter 213) became effective on August 25, 1993.

The rules set forth requirements designed to reduce toxicity of packaging waste by eliminating the addition of heavy metals in packaging and packaging components and specify the form exemption requests or certificates of compliance should take. The rules closely follow the general guidelines of the Model Toxics in Packaging developed by CONEG.

Conclusion

In conclusion, the Department of Natural Resources will continue to evaluate the impact of the Toxics in Packaging legislation as the program progresses. As noted, no additional toxic substances are recommended for inclusion in the law as of this date. Recommendations for further changes will be made as necessary. Additionally, the CONEG Source Reduction Task Force is preparing a comprehensive report on the effectiveness of the law 42 months after its adoption. This report will be available by the end of January 1994.

Ms. Hay explained the report and reviewed the related law.

Discussion followed regarding other states and similar legislation.

INFORMATIONAL ONLY

WASTE TIRE COLLECTION PILOT PROGRAM REPORT TO GENERAL ASSEMBLY

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The 1992 General Assembly directed the Department of Natural Resources, through its Waste Management Assistance Division, to establish a nineteen-county waste tire collection pilot

program for the purpose of promoting the safe collection and disposal of waste tires. This report is a compilation of the activities conducted by the participating counties designated in the legislation to develop and implement waste tire collection programs in cooperation with the cities located in those counties. The report is submitted to fulfill requirement set forth in 1992 Iowa Acts, Chapter 1218, Section 6.

As directed in the legislation, the amount of funding allocated to each designated county's board of supervisors for establishing and implementing the program was based upon county population. Legislative provisions allowed for flexibility in the enactment of the individual county programs. The main objectives of the pilot program were:

- To make available to all private citizens in each participating county the opportunity to properly dispose of their waste tires at no charge;
- To manage all tires collected under the program through recycling, processing, or safe disposal by means other than final disposal at a sanitary landfill;
- To submit a report to the Waste Management Assistance Division by September 1, 1993 which included an itemization of expenditures and the number of tires collected during the 1993 fiscal year, and recommendations for the establishment of permanent waste tire collection programs or sites.

Following receipt of the reports, the Waste Management Assistance Division was required to submit a compilation of the reports to the General Assembly by January 15, 1994.

The program was implemented through cooperative efforts at the local levels among groups that included the county boards of supervisors, city councils, solid waste management commissions, other county and municipal agencies, civic groups and non-profit organizations, waste tire processors and end-users, and numerous volunteers. Indigenous waste tire concerns and local resources were factors that influenced the final design of each county's waste tire collection plans.

According to the counties' final reports, **an estimated 284,574 waste tires were collected** under the pilot program for the period ending June 30, 1993. Of the \$515,000 allocated to the counties for the program, \$320,170 was expended during the 1993 fiscal year. Except for \$15,000 that was returned by a county which elected not to participate, the remaining funds are planned to be used by the participants for its intended purpose during the 1994 fiscal year.

Copies of the report will be distributed at the Environmental Protection Commission's February, 1994 meeting.

(A copy of the report is on file in the department's Records Center)

Ms. Hay reviewed the pilot program and explained project results as outlined in the report.

Brief discussion followed.

Rozanne King asked if staff keep a record on how many tires are picked up from the ditches.

Ms. Hay stated that staff works with DOT on various waste tire issues but she is not aware that there are figures in terms of what they see in road ditches.

Gary Priebe, referring back to the Landfill Alternatives Grant Applications, asked why it was ~~decided not to fund the North Central Iowa Regional Solid Waste Agency.~~

Ms. Hay stated that she does not have the reviewers details in front of her but one factor was that they were requesting \$645,000 and the Administrative Rules cap the grant award at \$300,000.

Commissioner Priebe stated that he has seen the department take other grants over \$300,00 and reduce them and then award the grant. He added that he would like to see a report why this project was not funded.

Ms. Hay stated that staff are working on a critique letter for that particular grant application and she will provide the Commission with a copy of that letter at the next meeting.

INFORMATIONAL ONLY

APPOINTMENT - SENATOR BERL PRIEBE (PROTECTED STREAMS RULES)

Senator Berl Priebe addressed the Commission stating that he does not think there is anyone on the Administrative Rules Review Committee (ARC) that proposes to straighten streams. He related that there are a lot of people upset with the protected streams rules. He stated that they would like to see the department develop a permit system that would allow a person to come in and appeal to the Commission, and if subsequently denied they could go to the courts. Senator Priebe stated that there is a general feeling of the public that the Commission has a hidden agenda somewhere in the stream straightening rules. He added that he will not ask the department to withdraw the rules but would like to see them develop an appeal process during the next 70 days that the rules are delayed. He requested that the department hold a public hearing on these rules in each of the five congressional districts.

On an unrelated subject, Senator Priebe stated that the town of Ledyard has an abandoned school building with asphalt shingles containing asbestos that will cost \$100,000 to remove. He related that he visited with other states who, in these instances, used a method whereby they sprayed the shingles before bulldozing the building and burying it on the spot. He noted that this method would cost only about \$35,000 and that Ledyard does not have \$100,000 to remove the asbestos. Senator Priebe stated that he thinks it is a decision that would help the community if the DNR could see fit to allow an alternative method they could use to bury it on the spot.

William Ehm commented that there is a lot of confusion among the public about the protected streams rules. He pointed out that the rules have been on the books for a long time and the

Commission merely added streams to the list. There has not been a tremendous problem with the streams that have been on the list. He added that the confusion has mushroomed and he thinks some people are prodding along the misconceptions floating around. He agreed that there is a need to get some clarity in the countryside so people will know exactly what the Commission did and will know what a protected stream is.

Senator Priebe stated that people felt that the notice of the public hearing on the rule was very poorly publicized.

Nancylee Siebenmann reviewed that a key element of the motion to approve the protected streams rule was to have a strong public relations effort on it.

Chairperson Hartsuck asked the Senator what will happen after the 70-day delay with the protected streams rules.

Senator Priebe stated that if nothing is done the rules will go into effect. He stated that if the Commission will adopt a permit process to allow for appeals the ARC would accept it as an emergency filing.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 15 pages)

February 1994

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IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
February 1, 1994

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Air Construction Permit Exemptions	6/21/93	7/07/93	8/02/93	8/23/93	2/21/94	*2/21/94	*3/16/94	*4/20/94
2. Ch. 22 - Non-Title V Operating Permits for Air Emissions	*3/21/94	*4/13/94	*5/ /94	*5/ /94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
3. Ch. 22 - Voluntary Operation Permits - Air Quality	2/21/94	*3/16/94	*4/ /94	*4/ /94	*5/16/94	*5/16/94	*6/08/94	*7/13/94
4. Ch. 22, 23, & 25 - Title V - Clean Air Act	9/20/93	10/13/93	11/09/93	11/12/93 11/16/93 11/17/93	*3/21/94	*3/21/94	*4/13/94	*5/18/94
5. Ch. 50, 51 - Agricultural Drainage Well Permits	*3/21/94	*4/13/94	*5/ /94	*5/ /94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
6. Ch. 67 - Sewage Sludge	2/21/94	*3/16/94	*4/ /94	*4/ /94	*5/16/94	*5/16/94	*6/08/94	*7/13/94
7. Ch. 100, 103 - Solid Waste Rules	10/18/93	11/30/93	12/14/93	12/01/93	*3/21/94	*3/21/94	*4/13/94	*5/18/94
8. Ch. 103, 111 - Landfill Financial Assurance	2/21/94	*3/16/94	*4/ /94	*4/ /94	*5/16/94	*6/20/94	*7/20/94	*6/15/94
9. Ch. 108 - Beneficial Use of Foundry Sand	11/15/93	12/08/93	1/04/94	1/04/94	*3/21/94	*3/21/94	*4/13/94	*5/18/94
10. Ch. 134 - Registration of Groundwater Professionals	2/21/94	*3/16/94	*4/ /94	*4/05/94 *4/06/94 *4/07/94	*5/16/94	*5/16/94	*6/08/94	*7/13/94
11. Ch. 209 - Landfill Alternatives-Financial Assistance Program	12/20/93	1/19/94	2/14/94	*2/09/94	*3/21/94	*3/21/94	*4/13/94	*5/18/94

MONTHLY VARIANCE REPORT						
Month: January, 1994						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Duncombe	Wastewater Construction	MER Engineering, Inc.	Inlet Discharge Depression	Approved	01/18/94
2.	Jorgenson Channel Change-Benton County	Flood Plain	Shive-Hattery Engineers & Architects	Percent Length Reduction	Approved	01/25/94
3.	City of West Des Moines	Flood Plain	Veenstra & Kimm, Inc.	Freeboard	Approved	01/27/94
4.	Marion County Sanitary Landfill	Solid Waste	Fox Engineering Associates	Liner	Approved	01/11/94
5.	Cedar County Sanitary Landfill	Solid Waste	Midwest Environmental Consulting	Groundwater Monitoring	Denied	01/31/94
6.	Mark Schmitt - Fort Atkinson	Watersupply Construction		Siting Criteria	Approved	01/27/94

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TOPIC: Report of Hazardous Conditions

During the period January 1, 1994 through January 31, 1994, reports of 67 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
01/19/94 Washington	A nozzle fell out of an aboveground storage tank while it was being filled. 150 gallons of diesel was spilled on the ground. No waterways were impacted due to the presence of a dike in front of a sewer drain.	Messer Oil 520 N. 5th Avenue Washington, IA	Contaminated snow and water were placed in 55 gallon drums. The diesel fuel was recovered from the mixture and recycled in a diesel burning heating furnace.
01/12/94 Polk	A contractor was removing a transformer from a substation when rigging broke and the unit dropped on the ground. 3000 gallons of non-pcb oil was spilled.	Midwest Power 823 Walnut Des Moines, IA	1000 gallons of oil was recovered by an independent contractor and the Des Moines HazMat Team. Although 2000 gallons of oil was discharged to the POTW, no impacts occurred.

Substance					Mode					
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	56(83)	37(54)	6(8)	13(21)	34(51)	0(0)	20(25)	0(2)	0(0)	2(5)
November	52(74)	34(46)	3(7)	15(21)	30(38)	3(1)	14(26)	0(0)	1(0)	4(9)
December	41(67)	30(41)	2(9)	9(17)	23(37)	0(2)	14(28)	2(0)	0(0)	2(0)
January	67(61)	47(47)	3(0)	14(17)	38(37)	1(1)	23(21)	2(1)	2(0)	1(6)
February										
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '93)

1	2	3	4	5	6
6	12	5	5	27	12

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of January 1, 1994 through January 31, 1994, the following number of releases from underground storage tanks were identified.

41 (32)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of January 1, 1994 through January 31, 1994, the following number of LUST cleanups were completed:

9 (669)

The number in parentheses represents the total number of LUST cleanups through January 31, 1994.

NUMBER OF LOW RISK SITES APPROVED

During the period of January 1, 1994 through January 31, 1994, the following number of low risk sites were approved:

23 (217)

The number in parentheses represents the total number of low risk LUST sites through January 31, 1994.

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Verna and Don Reed; Andrea Silsby, Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	1/11/94
Thor, City of (2)	Wastewater	Monitoring/Reporting	Order/Penalty	1/11/94
Jon Matteson, Thor (2)	Wastewater	Monitoring/Reporting	Order	1/11/94
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Wright Co. (2)	Wastewater	Construction Without Permit; Construction Contrary to Permit; Prohibited Discharge	Order/Penalty	1/11/94
Harold Lee, Keokuk Co. (6)	Wastewater	Prohibited Discharge	Order/Penalty	1/11/94
Carter Lake, City of (4)	Drinking Water	Monitoring/Reporting; Certified Operator	Order/Penalty	1/11/94
Riverside Plating Co., Shell Rock (2)	Wastewater	Pretreatment	Order/Penalty	1/11/94

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Jefferson, City of (4)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	1/11/94
Technical Asbestos Control, Salix (6)	Air Quality	Asbestos	Order/Penalty	1/11/94
B & R Insulation, Inc., Middletown (6)	Air Quality	Asbestos	Order/Penalty	1/11/94
Muscatine Power and Water, Muscatine (6)	Air Quality	Other	Amended Order	1/11/94
Grain Processing Corporation, Muscatine (6)	Air Quality	Other	Amended Order	1/11/94
Monsanto Company, Muscatine (6)	Air Quality	Other	Amended Order	1/11/94
Lyle Lorensen, Garwin (5)	Hazardous Condition	Remedial Action	Order/Penalty	1/13/94
Rich Seidenfeld d/b/a Seidenfeld Metals, Des Moines (5)	Air Quality	Open Burning	Order/Penalty	1/13/94
American Nursery Products, Inc. d/b/a Mount Arbor Nurseries, Shenandoah (4)	Underground Tank	Site Assessment	Order	1/26/94
Coastal Mart, Inc., Store #1081, Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	1/27/94
Toys "R" Us, Inc., Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	1/27/94
Jay Browns d/b/a Browns Service, Murray (5)	Underground Tank	Site Assessment	Order/Penalty	1/27/94
Smith Oil Co.; Franklin Smith, Mt. Ayr (5)	Underground Tank	Closure Investigation	Order/Penalty	1/27/94
Phil McMains d/b/a McMains Excavation, Demolition & Asbestos (MEDA), Moulton (5)	Air Quality	Asbestos	Order/Penalty	1/27/94
Paul Underwood d/b/a Underwood Excavating & Demolition, Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	1/27/94
John Deere Company, Waterloo (1)	Air Quality	Asbestos	Order/Penalty	1/27/94
Paul Nagle d/b/a Cyclone Steeple Jacks, Nevada (5)	Air Quality	Asbestos	Order/Penalty	1/27/94
Enviro Safe Air, Inc., Sioux City (3)	Air Quality	Asbestos	Order/Penalty	1/27/94
Terry Beaird d/b/a Curry Environmental Services, Marion (1)	Air Quality	Asbestos	Order/Penalty	1/27/94
Economy Solar Corp., Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	1/27/94
Swine Graphics Enterprises, L.P., Monroe Co. (5)	Wastewater	Prohibited Discharge	Order/Penalty	1/27/94
Waste Management and Design, Webster City (5)	Wastewater	Prohibited Discharge	Order/Penalty	1/27/94
Kurt & Mary Marzofka; John & Shirley Riordan, Sabula (1)	Underground Tank	Closure Investigation	Order/Penalty	1/27/94
Bob L. Petry, Council Bluffs (4)	Underground Tank	Closure Investigation	Order/Penalty	1/27/94

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Richard Newman (Des Moines Co.)	SW	500	11-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Don Carlson d/b/a Carlson Oil Co. (Armstrong)	UT	800	12-14-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
VanVeen Construction, Inc.; Sheldon Thompson; and DeLong Sportswear, Inc. (Jasper Co.)	SW	5,000	2-22-94
FCA Services, Inc. (Des Moines)	AQ	500	2-27-94
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	2-28-94
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Jefferson, City of	WW	500	3-13-94
Riverside Plating Company (Shell Rock)	WW	1,500	3-14-94
Harold Lee (Keokuk Co.)	WW	3,300	3-14-94
B & R Insulation, Inc. (Middletown)	AQ	500	3-14-94
Austin J. DeCoster (Wright Co.)	WW	3,000	3-14-94
Carter Lake, City of	WS	1,700	3-14-94
Rich Seidenfeld d/b/a Seidenfeld Metals (Des Moines)	AQ	5,000	3-18-94
Lyle Lorensen (Garwin)	HC	4,000	3-18-94
Thor, City of	WW	200	3-19-94
Technical Asbestos Control, Inc. (Davenport)	AQ	1,000	3-19-94
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320	3-29-94
Phil McMains d/b/a MEDA (Moulton)	AQ	2,000	3-29-94
Swine Graphics Enterprises, L.P. (Monroe Co.)	WW	2,500	3-29-94
Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	4,000	3-31-94
Economy Solar Corp. (Monticello)	AQ	5,000	3-31-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Toys "R" Us, Inc. (Davenport)	UT	5,560	3-31-94
John Deere Company (Waterloo)	AQ	1,000	3-31-94
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000	3-31-94
Paul Nagle d/b/a Cyclone Steeple Jacks (Nevada)	AQ	4,000	4-01-94
Waste Management & Design, Inc. (Webster City)	WW	10,000	4-01-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	-----
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	-----
Bob L. Petry (Council Bluffs)	UT	400	-----
Walterman Implement, Inc. (Grundy Co.)	AQ	1,000	-----
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Foland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Clear Lake Stock Farms, Inc. (Osceola Co.)	SW	1,000	7-07-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92

The following administrative penalties have been appealed:

February 1994

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
William H. Viner (Emerson)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winnesiek Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Des Moines County Sanitary Landfill (Des Moines Co.)	SW	3,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
George Krakow; Elmer Krakow (Marengo)	UT	1,275
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Casey's General Stores, Inc. (Grundy Center)	UT	6,500
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Nichii Company of America, Inc. (Jefferson)	AQ	10,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
Low Moor, City of	AQ	6,000
Asbestrol, Inc. (Decorah)	AQ	500
Home Asbestos & Lead Abatement Services (Johnston)	AQ	2,000
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Patricia Christy-Freese d/b/a Christy Corp. (Waterloo)	AQ	3,000
Merrill, City of	AQ	5,000
Club Elvis (West Burlington)	WS	300

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Linden, City of	WS	500
Hanson's Marine, Inc. (Clear Lake)	AQ	1,020
Newton, City of	SW	500
Young Radiator Company (Centerville)	AQ	1,700
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200
Dennis Plain d/b/a Plains Auto Salvage (Carroll Co.)	AQ	250

TOTAL 4,170

E94Feb-43

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Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 February 1, 1994

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ames, William D. Woodbury County (3)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/15/93 9/17/93
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred	12/20/93
Birusingh, Kirshna A. Crescent (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 12/11/92
Carney, Don and Gertrude Ft. Dodge (2)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Carson Grain & Implement Co. Coggon (1)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/18/93 12/09/93
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93
Cota Industries, Inc. Des Moines (5)	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v IDNR	New Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay	1/18/94 1/18/94
Doud, Dennis D & D Tire Company Moravia (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/30/93
Dunton, Lloyd Iowa County (6)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 2/15/94
Gavin, Bernard Gavin Veterinary Clinic Wellsburg (2)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/28/93
Giese Construction Co. Ft. Dodge (2)	Solid Waste Air Quality	Illegal Dis- posal; Open Burning	Referred to Attorney General	Referred Petition Filed Trial Date	5/29/92 3/26/93 6/14/94

Environmental Protection Commission Minutes

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Giese Construction Co. Ft. Dodge (2)	Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed Trial Date	1/19/93 3/26/93 6/14/94
Halsne, Grant d/b/a Halsne, Inc. Decorah (1)	Underground Tank	Site Assessment	Order	Referred Petition Filed	10/18/93 12/06/93
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Trial Date	2/15/93 4/15/93 4/26/94
IBP, inc. Columbus Junction (6)	Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal Appellant's Brief Appellee's Brief Oral Arguments	3/17/92 10/28/92 11/06/92 12/16/92 1/11/93 3/10/93 6/28/93 1/04/94
International Hydroform Pella (5)	Updated Underground Tank	Remedial Action	Order	Referred Petition Filed	5/17/93 1/18/94
Iowa City, City of (6)	Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed Tried to Court	4/20/92 1/28/93 1/26/94
Jack Link Truck Line, Inc. Dyersville (1)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred	11/15/93
Landfill of Des Moines, Inc. Des Moines #4 (5)	Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 1/26/94
Landfill of Des Moines, Inc. Des Moines #5 (5)	Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 1/26/94
Maasdam, Donald Rolfe (3)	Updated Solid Waste	Operation Without Permit	Order	Referred Petition Filed Dismissed Without Prejudice	1/21/92 8/26/92 1/12/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKiniss Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprt Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin)	11/16/92 4/02/93
Northwood Cooperative Elevator, New	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93
Worth Co. Co-op Oil				Suit Filed DNR Answer Consolidation Order	12/07/93 12/28/92 3/10/93
Amoco				Suit Filed DNR Answer Consolidation Order	12/15/92 1/04/93 3/10/93
v. IDNR					
Plendl, Robert B. Plendl Brothers Trucking Kingsley (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Drinking Water	Mtrg/Rprtng. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 3/05/93
Pruess, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Rudd, Harlan d/b/a Rudd Bros. Tires Drakesville (6)	Underground Tank	Closure Investigation	Order	Referred	12/20/93
Sadler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92
Schultz, Albert and Iowa Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sharp, Tim Gas-N-Go Newton (5)	Updated Underground Tank	Site Check	Order/Penalty	Referred Petition Filed Default Judgment (\$5,000/Civil; \$1,180/Admin.; & Injunction)	5/17/93 7/27/93 1/14/94
Shelley, Roberto and Sally Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93
Smith, Don Dallas Center (5)	Updated Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed Trial Date Consent Decree (Injunction)	10/19/92 3/08/93 12/01/93 12/22/93
Starling, Vern Perry (5)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	11/16/92 4/14/93
Sunray Refining & Marketing Co. v. IDNR	Updated Hazardous Condition	DNR Defendant	Defense	Suit Filed Motion to Dismiss Dismissed	11/19/92 1/04/93 3/10/93
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred	10/18/93
Waterloo, City of (1)	Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed	11/15/93 12/30/93
Winterset, City of (5)	Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed Trial Date	7/20/92 3/23/93 4/26/94
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young, David Sierp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
February 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	-----	Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	SCR submitted.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co. Administrative Order	HC	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Settlement letter sent.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Settlement letter sent.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement proposed.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Murphy	Settled.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	City response under review by EPD.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 5/4/94.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.

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DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted. Oral arguments heard by Court of Appeals.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-04-90	United States Gypsum Co. Sperry	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	12/01/93 - Settlement offer accepted by City.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Firestone submitted site investigation report.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance nearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution. Attorney contacted regarding response.
3-30-92	White Consolidated Industries	Administrative Order	WW	Hansen	Negotiating before filing.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.

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5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	LW	Murphy	Firestone submitted site investigation.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Settled.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Settlement close.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	LW	Hansen	Negotiating before filing.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. FO inspection prior to penalty negotiation.
11-13-92	Tracy Below	Administrative Order	LW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	LW	Hansen	10/11/93-Dept letter to facility rejecting revised assessment plan.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/LW	Kennedy	Informal meeting 12/4/92.
12-14-92	Quantum	Permit Conditions	LW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	IBP, inc. Geneseo, IL	SWA Denial	SW	Kennedy	Negotiating before filing.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indianola)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.

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Environmental Protection Commission Minutes

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1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	Analyzing financial inability.
3/19/93	Holnam Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/29/93	Henning Wood, Inc.	Administrative Order	SW	Kennedy	Settlement meeting continued.
4/02/93	Newton, City of	Administrative Order	SW	Kennedy	Settled.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/05/93	Mapleton, City of	WV Operator Certification	WV	Hansen	Under review by EPD - letter drafted.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	Decision in favor of DNR.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WV	Preziosi	Settlement conference set for 2/22/94.
4/09/93	Wells Dairy, Inc.	Administrative Order	WV	Hansen	12/27/93 Amended settlement proposed by Wells Dairy.
4/12/93	LeMars, City of	Administrative Order	WV	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WV	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/01/93	Graham Tire Co. of Spencer	Administrative Order	UT	Wornson	Compliance initiated.
6/17/93	Leo Schachtner ; Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Hearing set for 2-22-94.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Met-Ray MHP and Sales	Administrative Order	WV	Clark	Negotiating before filing.
7/02/93	Merlyn Stanbrough; Donna Stanbrough	Administrative Order	SW	Kennedy	Appeal to be withdrawn.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Negotiating before filing.

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7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Negotiating before filing.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Sent to DIA.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Sent to DIA.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/23/93	Walnut Grove Products	Permit Denial	AQ	Preziosi	Negotiating before filing.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Negotiating before filing.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/29/93	Charles W. Sharp	Permit Issuance	FP	Clark	Negotiating before filing.
10/11/93	West Central Cooperative	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/22/93	Club Elvis	Administrative Order	WS	Hansen	Negotiating before filing.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/05/93	George Krakow & Elmer Krakow f/d/b/a Krakow Bros.	Administrative Order	UT	Wornson	Compliance initiated. Negotiating penalty.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Compliance initiated.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/93	Osceola, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Hearing rescheduled for 4/22/94.
11/22/93	Casey's General Stores Grundy County	Administrative Order	UT	Wornson	Negotiating settlement.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/22/93	Nichii Company of America	Administrative Order	AQ	Preziosi	Settled.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Anderson Excavating and Wrecking Company	Administrative Order	AQ	Preziosi	Settlement conference set for 2/8/94.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	New case.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	New case.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	New case.
1/11/94	Low Moor, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/11/94	Asbestrol, Inc.	Administrative Order	AQ	Preziosi	Settlement conference set for 2/8/94.
1/12/94	Home Asbestos & Lead Abatement Services	Administrative Order	AQ	Preziosi	Settlement conference set for 2/8/94.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	New case.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	New case.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	New case.
1/19/94	Patricia Christy-Freese d/b/a Christy Corporation	Administrative Order	AQ	Preziosi	Settled.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	New case.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	New case.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	New case.

Mr. Stokes presented the monthly reports.

Chairperson Hartsuck asked about the Don Ervin trial date of February 15, as shown on the AG Referrals report.

Mike Murphy stated that he has not heard anything about it but will check on it and let the Commission know his findings.

Charlotte Mohr asked about the status of the LeoSchachtner contested case appeal.

Mr. Murphy stated that he understands the Schachtner hearing has been continued.

Discussion followed regarding a number of items in the various reports.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 134, REGISTRATION OF GROUNDWATER PROFESSIONALS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action for the attached proposed rule amendments. The amendment gives conditions under which the department may suspend, revoke or deny registration of a groundwater professional. This rule is intended to implement 1993 Iowa Acts, House File 644, section 10 that required the adoption of rules for the suspension and revocation of groundwater professional registration for good cause.

ENVIRONMENTAL PROTECTION COMMISSION[567]
Notice of Intended Action

Pursuant to the Authority of the Iowa Code section 455G.18, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 134, "Registration of Groundwater Professionals." The proposed amendment replaces rule 134.4.

~~1993 Iowa Acts, House File 644, section 10, required the adoption of rules for the~~
suspension and revocation of groundwater professional registration for good cause. The proposed amendment gives the conditions under which the department may suspend, revoke, or deny registration and the disciplinary procedures that will be followed.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319 or by FAX number 1-515-281-8895, no later than Monday, March 14, 1993.

There will also be three public hearings on this proposed rule on: in the Community Hall next to City Hall, Denison, Iowa; in the Iowa City Public Library, Room B, 123 S. Linn St., Iowa City, Iowa; and in the east half of the fifth floor conference room, Wallace State Office Building, Des Moines, Iowa.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement Iowa Code section 455G.18.

ITEM 1. Strike current rule 567--134.4 (455G) and replace it with the following:

567--134.4(455G) Suspension, revocation and denial of registration.

134.4(1) General Policy. It is the policy of the department to enforce standards of professional and ethical conduct which are generally accepted within the professions which qualify persons for registration in Iowa as a groundwater professional. The department intends to rely on written standards of professional and ethical conduct and competency which are applicable to persons who qualify for registration by virtue of certification by or membership in a professional organization, or state licensure as provided in Iowa Code section 455G.18(2).

It is the policy of the department to investigate and enforce standards of conduct by registered groundwater professionals which fall within the scope of their professional relationships with the department, their clients and other state regulatory agencies including the Iowa Comprehensive Petroleum Underground Storage Tank Board and their agents.

134.4(2) Lack of qualification. The department may suspend, revoke or deny registration as a groundwater professional for any of the following reasons:

- a. A material misstatement of fact in an application for registration.
- b. Failure to provide the fee for registration.
- c. Loss of license, certification, or registration necessary to meet the registration requirements in subrule 134.2(2).
- d. Insufficient proof of qualifications required under subrule 134.2(2).

134.4(3) Discipline based on a single act or omission. The department may reprimand a registered groundwater professional or suspend, revoke or deny registration based on substantial

evidence of a single act or failure to act. The severity of the sanction may be based on the gravity of the act or omission and on the degree of culpability such as whether it was negligence, knowing, willful, or with such a degree of reckless disregard as to equate with intentional conduct. Single acts or omissions that may be grounds for discipline include but are not limited to the following:

- a. Fraudulent omissions or misstatements of material fact in any reports, correspondence or communications with the department.
- ~~b. Violation of an ethical standard which the person knew or should have known and which~~
results in or reasonably could have resulted in material consequences.
- c. Failure to report to the department the presence of contamination which is above department corrective action standards or the presence of free product.
- d. Knowingly making a material false statement, representation or certification on any application, record, report, or document required to be maintained or submitted by department rule or which is voluntarily submitted to the department.
- e. Gross incompetence in the performance of groundwater professional services and corrective action.

134.4(4) *Discipline based on repeated acts or omissions.* The department may reprimand a registered groundwater professional, or suspend, revoke or deny registration, based on substantial evidence of repeated acts or omissions which, when taken together indicate a lack of competency, professionalism, ethical conduct, or adherence to standards of performance generally expected by the profession. The severity of the sanction may be based on the gravity of the acts or omissions and the degree of culpability. Disciplinary sanctions under this subrule will not be applied without providing the person with at least one written notice of the deficiency and a written warning that future repetition may result in discipline. Conduct or omissions which may be a basis for discipline include but are not limited to the following:

- a. Repeated incidents of substandard field investigation may result in reprimand, suspension or revocation.
- b. Repeated incidents of substandard, inaccurate or incomplete site cleanup reports and failure to follow site cleanup report instructions may result in reprimand, suspension or revocation.
- c. Conduct warranting a sanction after receipt of two prior reprimands shall result in suspension or revocation.
- d. Conduct warranting a sanction after prior suspension shall result in a more severe sanction.

134.4(5) *Disciplinary Procedure.*

- a. Prior to issuance of a final department action imposing a disciplinary sanction of reprimand, suspension, revocation or denial of registration, the department shall conduct such lawful investigation as it deems necessary to substantiate material facts sufficient to warrant a disciplinary sanction.
- b. Written notice of a sanction shall be sent by certified mail to the person against whom the sanction is imposed. The notice shall provide a brief explanation of the facts relied upon and the sanction to be imposed. The notice shall inform the recipient of applicable appeal rights.
- c. A notice of reprimand shall be sent by certified mail to the person against whom the sanction is imposed. The notice shall provide a brief explanation of the facts relied upon. The recipient may request an informal hearing with the department to challenge the basis for the reprimand but the reprimand shall not be subject to the appeal and contested case procedures as provided in paragraph "d" below.

d. A person may appeal a notice of suspension, revocation or denial of registration within thirty days of receipt of the notice. Upon timely receipt of the notice of appeal, contested case procedures, including informal settlement, shall apply as provided in 561 I.A.C. Chapter 7. In accordance with 561 I.A.C. 7.5(2), the department shall initiate pleading by the filing of a petition.

e. Notwithstanding subrule 561 I.A.C. 7.15(7), the sanction imposed shall not take effect until after a contested case hearing and issuance of a proposed decision. If a timely appeal has not been filed, the sanction is effective after thirty days from receipt of the notice. A party may request stay of the sanction, as provided in 561 I.A.C. 7.15(7), after issuance of a proposed decision.

Mr. Stokes gave a detailed explanation of the rules.

Nancylee Siebenmann commented that under 134.4(5)c the term sanction is used in relation to reprimand and it is confusing. It was suggested and agreed upon to change the words in the first sentence in that section from "against whom the sanction is imposed" to "to whom the reprimand is directed."

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 134, Registration of Groundwater Professionals with the suggested language change. Seconded by Nancylee Siebenmann.

A lengthy discussion followed regarding how an individual would know if a groundwater professional received a reprimand or suspension and how they could be protected from a groundwater professional who is not in good standing.

Clark Yeager asked if a statement could be added to the rules noting that the department has a list of Registered Groundwater Professionals that is available for the public's review.

Mr. Stokes stated that staff could add a sentence to that effect under 134.4(5)f.

Vote on Commissioner Ehm's motion carried unanimously.

APPROVED WITH MINOR AMENDMENT

ECOREGION PILOT SAMPLING LOCATIONS

At this point, Allan Stokes distributed the list previously requested by Charlotte Mohr showing the tentative stream biocriteria pilot sampling locations for FY 93. This refers back to Item #6, Ecoregion Pilot Sampling Project Contract.

NOTICE OF INTENDED ACTION--CHAPTERS 103 AND 111, LANDFILL FINANCIAL ASSURANCE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

In 1987 the legislature amended 455B and required rules for operators of sanitary landfills to provide financial assurance for closure and post-closure care.

The department had earlier proposed rules covering financial responsibility issues, prior to adoption of federal regulations, which were similar to these rules in concept. Subsequently, USEPA adopted federal financial responsibility rules. At that time, the department dropped the initial proposed rules, and proposed adopting state financial responsibility regulations identical to federal rules. The department was informed that adopting only the federal regulations would be problematic for many municipal solid waste landfills. The department agreed to work with interested parties to craft rules which were more flexible and therefore practical for municipal solid waste landfills.

The department has worked closely with representatives of local governmental units and municipal solid waste landfill operators to craft rules which are consistent with federal regulations recently adopted by USEPA, while at the same time providing flexibility to facilitate compliance by regulated facilities. Four financial assurance mechanisms have been added: to those provided for under the federal regulations. Those are self-insurance, bond rating test, local government guarantee, and local government dedicated fund. As such, these rules are patterned after financial responsibility rules applicable to local units of government under the underground storage tank regulations at the state and federal level. These appear to be more workable for some municipal solid waste landfills.

The Commission will be asked to approve the attached Notice of Intended Action.

ENVIRONMENTAL PROTECTION COMMISSION**Notice of Intended Action**

Pursuant to Iowa Code 455B.304, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 100 "Scope of Title-Definitions-Forms-Rules of Practice", Chapter 103 "Sanitary Landfills", and add a new Chapter 111 "Financial Assurance Requirements for Municipal Solid Waste Landfills".

In 1987, the Iowa legislature amended Chapter 455B and required operators of sanitary disposal projects to have financial assurance instruments. In accordance with 455B.306, "a person operating or proposing to operate a sanitary disposal project shall provide a financial assurance instrument to the department prior to initial approval of a permit or renewal of a permit for an existing or expanding facility beginning July 1, 1988." As a result of the amendments which

established the requirements for disposal projects to demonstrate financial responsibility for the costs of closure, post-closure care, the existing rules in Chapter 100 must be expanded to include a definition for municipal solid waste, Chapter 103 must be amended to require municipal solid waste landfills obtain financial assurance, and Chapter 111 must be added to identify acceptable financial assurance instruments.

Any person may submit written suggestions or comments on the proposed rules on or before _____, 1994. ~~Such written material should be submitted to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, IA 50319-0034, or FAX (515)281-8895.~~ Anyone who has questions may contact Mr. Haage at (515)281-4968.

The public is invited to present oral or written comments at a public hearing which will be held on _____, 1994 in the _____ of Wallace State Office Building at 900 East Grand Avenue, Des Moines.

The amendments may economically impact small businesses, local governments, and agencies created under Iowa Code Chapter 28E.

The following amendments are proposed:

Item 1. Amend 567-103.2 by adding 103.2(16) as follows:

103.2(16) Financial Assurance.

All municipal solid waste landfills must comply with the financial assurance requirements specified in Chapter 111. Owners or operators of municipal solid waste landfills must annually notify the director that the owner or operator has demonstrated financial assurance in accordance with rule 111.6.

Item 2. Add rule 567-111 (455B), as follows:

CHAPTER 111
FINANCIAL ASSURANCE REQUIREMENTS
MUNICIPAL SOLID WASTE LANDFILLS

567 - 111.1 Purpose.

The purpose of this Chapter is to implement Iowa Code 455B.304(8) and 455B.306(8) by providing the criteria for establishing financial assurance for closure, post closure care and corrective action at Municipal Solid Waste Landfills.

567 - 111.2 Applicability.

The requirements of this chapter apply to owners and operators of all Municipal Solid Waste Landfills (MSWLF) except owners or operators who are state or federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States

567 -111.3 Financial Assurance for Closure.

111.3(1) The owner or operator must have a detailed written estimate, in current dollars, of the ~~cost of hiring a third party to close the MSWLF in accordance with the closure plan as required~~ by 567 IAC 103.2(13). Such estimate must be available at any time during the active life of the landfill. The owner or operator must notify the Department that the estimate has been placed in the facility's official files.

(a) The cost estimate must equal the cost of closing the MSWLF at any time during the active life of the facility when the extent and manner of its operation would make closure the most expensive.

(b) During the active life of the MSWLF the owner or operator must annually adjust the closure cost estimate for inflation.

(c) The owner or operator must increase the closure cost estimate and the amount of financial assurance provided if changes to the closure plan or MSWLF conditions increase the maximum cost of closure at any time during the remaining active life of the facility.

(d) The owner or operator may reduce the closure cost estimate and the amount of financial assurance provided if the cost estimate exceeds the maximum cost of closure at any time during the active life of the facility. The owner or operator must notify the Department that the justification for the reduction of the closure cost estimate and the amount of financial assurance has been placed in the facility's official files.

111.3(2) The owner or operator of a MSWLF must establish financial assurance for closure in accordance with the criteria in this chapter. The owner or operator must provide continuous coverage for closure until released from this requirement by demonstrating compliance with IAC 567-103.2(13).

567 - 111.4 Financial Assurance for Post Closure Care.

111.4(1) The owner or operator must have a detailed written estimate, in current dollars, of the cost of hiring a third party to conduct post closure care for the MSWLF in compliance with the plan developed pursuant to IAC 567-102.12(10). The cost estimate must account for the total cost of conducting post closure care as described in the plan, for the entire post closure care period. The owner or operator must notify the Department that the estimate has been placed in the facility's official files.

- (a) The cost estimate for post closure care must be based on the most expensive costs of that care during the entire post closure care period.
- (b) During the active life of the MSWLF and during the post closure care period, the owner or operator must annually adjust the post closure cost estimate for inflation.
- (c) The owner or operator must increase the estimate and the amount of financial assurance provided if changes in the post closure plan or MSWLF conditions increase the maximum cost of post closure care.
- (d) The owner or operator may reduce the estimate and the amount of financial assurance if the cost estimate exceeds the maximum cost of post closure care remaining in the post closure care period. The owner or operator must notify the Department that the justification for the reduction of the cost estimate and the amount of financial assurance has been placed in the facility's official files.

111.4(2) The owner or operator of a MSWLF must establish financial assurance for the costs of post closure care required by 567 IAC 102.12(10). The owner or operator must provide continuous coverage for post closure care until released from this requirement by demonstrating compliance with the post closure plan and the closure permit.

567 - 111.5 Financial Assurance for Corrective Action.

111.5(1) An owner or operator required to undertake corrective action pursuant to 567 IAC 103.2(4) through 103.2(9), inclusive, must have a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the required corrective action. The estimate must account for the total costs of the activities described in the approved corrective action plan for the entire corrective action period. The owner or operator must notify the Department that the estimate has been placed in the facility's official files.

- (a) The owner or operator must annually adjust the estimate for inflation until the corrective action program is completed.
- (b) The owner or operator must increase the cost estimate and the amount of financial assurance provided if changes in the corrective action program or MSWLF conditions increase the maximum costs of corrective action.
- (c) The owner or operator may reduce the amount of the cost estimate and the amount of financial assurance provided if the estimate exceeds the maximum remaining costs of the remaining corrective action. The owner or operator must notify the Department that the justification for the reduction of the cost estimate and the amount of the financial assurance has been placed in the facility's official files.

111.5(2) The owner or operator of a MSWLF required to undertake a corrective action program must establish financial assurance for the most recent corrective action program by one of the

mechanisms prescribed in 567 IAC 111.6, except 567 IAC 111.6(d). The owner or operator must provide continuous coverage for corrective action until released from financial assurance requirements by demonstrating compliance with the following:

(a) Upon completion of the remedy, the owner or operator must notify the director within 14 days that a certification that the remedy has been completed in compliance with the requirements of the department has been placed in the facility's official files. ~~The certification must be signed by the owner or operator and by a qualified ground water scientist.~~

(b) When, upon completion of the certification, the owner or operator determines that the corrective action remedy has been completed in accordance with the requirements of the department, the owner or operator shall be released from the requirements for financial assurance for corrective action.

567 - 111.6 Allowable Financial Assurance Mechanisms.

The mechanisms used to demonstrate financial assurance must ensure that the funds necessary to meet the costs of closure, post closure care, and corrective action for known releases will be available whenever they are needed. Owners or operators must choose from options (a) through (j) in this section.

111.6(1) Trust Fund. An owner or operator may demonstrate financial assurance for closure, post closure care and corrective action, whichever is applicable, by establishing a trust fund which conforms to the requirements of this subsection. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. A copy of the trust agreement must be placed in the facility's official files.

(a) Payments into the trust fund must be made annually by the owner or operator for ten years or over the remaining life of the MSWLF, whichever is shorter, in the case of a trust fund for the closure or post closure care, or over one half of the estimated length of an approved corrective action program in the case of a response to a known release. This is referred to as the "pay-in period."

(b) For a trust fund used to demonstrate financial assurance for closure and post closure care, the first payment into the fund must be at least equal to the current cost estimate, divided by the number of years in the pay-in period as defined in rule 111.6(1)(a). The amount of subsequent payments must be determined by the following formula:

$$\text{Payment} = \frac{\text{CE} - \text{CV}}{\text{Y}}$$

where CE is the current updated cost estimate for closure and post closure care, CV is the current value of the trust fund, and Y is the number of years remaining in the pay in period.

(c) For a trust fund used to demonstrate financial assurance for corrective action, the first payment into the trust fund must be at least one half of the current cost estimate, divided by the number of years in the corrective action pay in period as defined in rule 111.6(1)(a) of this section. The amount of subsequent payments must be determined by the following formula:

$$\text{Payment} = \frac{\text{RB} - \text{CV}}{\text{Y}}$$

where RB is the most recent estimate of the required trust fund balance, which is one half the total cost that will be incurred during the second half of the corrective action period, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

(d) The initial payment into the trust fund must be made before the initial receipt of waste or before April 9, 1995, whichever is later, in the case of closure and post closure care, or no later than 120 days after the corrective action plan has been approved by the Department.

(e) If the owner or operator establishes a trust fund after having used one or more alternate mechanisms, the initial payment into that trust fund must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made as required by this section.

(f) The owner or operator, or other person authorized to conduct closure, post closure care, or corrective action activities may request reimbursement from the trustee for these expenditures. Requests for reimbursement will be granted by the trustee only if sufficient funds are remaining to cover the remaining costs of closure, post closure care, or corrective action, and if justification and documentation of the cost is placed in the facility's official files. The owner or operator must notify the Department that documentation of the justification for reimbursement has been placed in the facility's official files and that reimbursement has been received.

(g) The trust fund may be terminated by the owner or operator only if they substitute alternative financial assurance as required by this chapter or if they are no longer required to demonstrate financial responsibility.

111.6(2) Surety Bond An owner or operator may demonstrate financial assurance for closure or post closure care by obtaining a payment or performance surety bond which conforms to the requirements of this section. An owner or operator may demonstrate financial assurance for corrective action by obtaining a performance bond which conforms to the requirements of this section. The bond must be effective before the initial receipt of waste or before April 9, 1995, whichever is later, in the case of closure and post closure care, or no later than 120 days after the corrective action plan has been approved by the Department. The owner or operator must notify the Department that a copy of the bond has been placed in the facility's official files. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

(a) The penal sum of the bond must be in an amount at least equal to the current closure, post closure or corrective action cost estimate, whichever is applicable.

(b) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(c) ~~The owners or operators must establish a standby trust fund. The standby trust fund must meet the requirements of 111.6(a) except the requirements for initial payment and subsequent annual payments specified in 111.6(1),(b), (c), (d), and (e).~~

(d) Payment made under the terms of the bond will be deposited by the surety directly into the standby trust fund. Payments from the trust fund must be approved by the trustee.

(e) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and operator and to the Department 120 days in advance of the cancellation. If the surety cancels the bond, the owner or operator must obtain alternate financial assurance as specified in this section.

(f) The owner or operator may cancel the bond only if alternate financial assurance is substituted as specified in this section or if the owner or operator is no longer required to demonstrate financial responsibility.

111.6(3) Letter of Credit An owner or operator may demonstrate financial assurance for closure, post closure care, and corrective action, whichever is applicable, by obtaining an irrevocable standby letter of credit which conforms to the requirements of this section. The letter of credit must be effective before the initial receipt of waste or before April 9, 1995, whichever is later, in the case of closure and post closure care, or no later than 120 days after the corrective action plan is approved by the Department. The owner or operator must notify the Department that a copy of the letter of credit has been placed in the facility's official files. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

(a) A letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the name and address of the facility, and the amount of funds assured, must be included with the letter of credit in the facility's official files.

(b) The letter of credit must be irrevocable and issued for a period of at least one year in an amount at least equal to the current cost estimate for closure, post closure or corrective action, whichever is applicable. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless the issuing institution has canceled the letter of credit by certified mail to the owner or

operator and the Department 120 days in advance of cancellation. If the letter of credit is canceled by the issuing institution, the owner or operator must obtain alternate financial assurance.

(c) The owner or operator may cancel the letter of credit only if alternate financial assurance is substituted as specified in this section or if the owner or operator is released from the requirements of this section.

111.6(4) **Insurance** An owner or operator may demonstrate financial assurance for closure and post closure care by obtaining insurance which conforms to the requirements of this section. The insurance must be effective before the initial receipt of wastes or before April 9, 1995, whichever is later. At the minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in Iowa. The owner or operator must notify the Department that a copy of the insurance policy has been placed in the facility's official files.

(a) The closure or post closure care insurance policy must guarantee that funds will be available to close the MSWLF whenever final closure occurs or to provide post closure care when the post closure period begins. The policy must also guarantee that once closure or post closure care begins, the insurer will be responsible for the paying out of funds to the owner or operator or other person authorized to conduct the closure or post closure care, up to an amount equal to the face amount of the policy.

(b) The insurance policy must be issued for a face amount at least equal to the current cost estimate for closure or post closure care, whichever is applicable. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurers future liability will be lowered by the amount of the payments.

(c) An owner or operator, or any other person authorized to conduct closure or post closure care may receive reimbursements for those expenditures. Requests for reimbursement will be granted by the insurer only if the remaining value of the policy is sufficient to cover the remaining costs of closure or post closure care, and if justification and documentation of the cost is placed in the facility's official files. The owner or operator must notify the Department that the documentation of the justification for reimbursement has been placed in the facility's official files and that reimbursement has been received.

(d) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided that such consent is not unreasonably refused.

(e) The insurance policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face

amount of the expiring policy. If there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner and operator and to the Department 120 days in advance of cancellation. If the insurer cancels the policy, the owner or operator must obtain alternate financial assurance required by this section.

(f) For insurance policies providing coverage for post closure care, commencing on the ~~date that liability to make payment pursuant to the policy accrues, the insurer will~~ thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount equivalent to 85% of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26 week treasury securities.

(g) The owner or operator may cancel the insurance policy only if alternate financial assurance is substituted as specified in this section or if the owner or operator is no longer required to demonstrate financial responsibility.

111.6(5) **Self-insurance** An owner or operator may demonstrate financial assurance for closure, post closure care and corrective action, whichever is applicable, by demonstrating the ability to pass the financial test as specified in this section. The owner or operator must maintain the following in the facility's official files:

(a) Unsubordinated debentures with market value equal to or exceeding the sum of the current closure, post closure and corrective action estimates, whichever is applicable.

(b) A letter signed by the chief financial officer certifying that the owner or operator passes all of the following tests:

$$(1) \frac{(\text{total liabilities})}{(\text{net worth})} = \text{less than } 2.$$

$$(2) \frac{(\text{cash flow})}{(\text{total liabilities})} = \text{greater than } 0.1$$

$$(3) \frac{(\text{current assets})}{(\text{current liabilities})} = \text{greater than } 1.5$$

(4) Net working capital and tangible net worth at least six times the current cost estimates for the facility.

(5) Tangible net worth of at least \$10,000,000

- (6) Assets in the United States equal to at least 90 per cent of the owner's or operator's total assets or at least six times the current cost estimates for all owned or operated facilities.
- (c) A copy of the owner's or operator's financial statements for the latest completed fiscal year with an independent certified public accountant's report on examination of the financial statements.
-
- (d) As an alternative, the owner or operator may substitute for the requirements of 111.6.(5)(b) a current rating for its most recent bond issue which must be of AAA, AA, A or BBB as issued by Standard and Poor or Aaa, Aa, A or Baa as issued by Moody's; and the owner or operator shall obtain a special report from an independent certified public accountant certifying the validity of:
- (1) the latest financial statement;
 - (2) the data used to pass the financial test; and
 - (3) the valuation of the bonds submitted as collateral.
- (e) The use of self insurance is not allowed if:
- (1) The accountant's report required by this subsection includes an adverse opinion or a disclaimer of opinion;
 - (2) The report includes qualifications that relate to the numbers that are used in the financial test; or
 - (3) In light of the qualifications, the owner or operator has failed to demonstrate that it meets the financial test.
- (f) An owner or operator may demonstrate financial assurance by obtaining a corporate guarantee from a parent corporation subject to the following conditions:
- (1) If the owner or operator makes the self insurance demonstration through the use of a corporate guarantee the parent corporation must be the entity that issues the bonds that serve as the basis for the self insurance.
 - (2) The guarantor must be the parent corporation of the owner or operator, must meet the requirements for facility owners or operators in this subsection, and must comply with the terms of the corporate guarantee.
 - (3) The terms of the corporate guarantee must provide:

- (i) If the owner or operator of a facility covered by the corporate guarantee fails to perform closure or postclosure or corrective action in accordance with the appropriate plan or permit whenever required to do so, the guarantor shall do so or establish a standby trust fund in the name of the owner or operator.
 - (ii) The corporate guarantee remains in force unless the guarantor sends ~~notice of cancellation by certified mail to the owner or operator and the~~ Director. Cancellation may not occur, however, during 120 days beginning on the date of receipt of the notice of cancellation by the Director, as evidenced by the return receipt.
 - (iii) If the owner or operator fails to provide alternate financial assurance as specified in this rule, the guarantor shall provide alternate financial assurance in the name of the owner or operator.
 - (iv) The bonds used to demonstrate financial assurance under this rule must be readily salable in secondary bond markets. The market value of the bonds must equal or exceed the sum of the current cost estimates for closure, post closure care, and corrective action, whichever is applicable.
- (g) The owner or operator who uses self-insurance to satisfy the requirements of this rule shall also establish a standby trust fund.
- (h) If the sum of the current cost estimates for closure, post closure care, and corrective action, whichever is applicable, changes, the owner or operator shall compare the new estimate with the most recent annual valuation of the bonds held pursuant to this subsection. If the total market value of the bonds is less than the amounts of the new estimates, the owner or operator shall, within 60 days after the change in the cost estimates, send notice to the Director that other bonds are maintained to make up the deficiency or the owner or operator shall establish other financial assurance mechanisms as specified in this rule. If other bonds are relied upon, the notice to the Director must be accompanied by an independent certified public accountant's report that the new issues have a market value that equals or exceeds the amount of the deficiency.
- (i) If during the operating life of the facility, the market value of the bonds held pursuant to this subsection exceeds the sum of the current cost estimates by an amount greater than the market value of any single bond, the owner or operator may decrease the amount of bonds maintained by the excess amount.

111.6(6) **Bond rating test** An owner or operator may demonstrate financial assurance for closure, post closure and corrective action, whichever is applicable, by having a currently outstanding issue or issues of general obligation bonds of \$1 million or more, excluding refunded obligations, with an unenhanced Moody's rating of Aaa, Aa, A, or Baa, or an unenhanced

Standard and Poor's rating of AAA, AA, A, or BBB. The owner or operator must maintain in the facility's records file:

- (a) A copy of a dated bond rating certification signed by a representative from the bond rating agency.
 - (b) A copy of a letter signed by the chief financial officer of the owner or operator or guarantor certifying compliance with the bond rating test.
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111.6(7) Local government guaranty The owner or operator of a publicly owned MSWLF may demonstrate financial assurance for closure, post closure and corrective action, whichever is applicable, by obtaining a written guaranty certifying compliance with the following:

- (a) The guarantor is a local government having a substantial governmental relationship with the owner and operator pursuant to and in furtherance of the objectives of an agreement between said parties entered into under Iowa Code Chapter 28E.
- (b) The guaranty is issued as an act incident to that relationship.
- (c) A local government acting as the guarantor must:
 - (1) Demonstrate that it meets the bond rating test requirement of this rule and deliver a copy of the chief financial officer's letter described herein to the owner or operator of the MSWLF; or
 - (2) Demonstrate that it meets the local government dedicated fund test of this rule and deliver a copy of chief financial officer's letter described in 111.6.(8)(b)(3) to the owner or operator of the MSWLF.
- (d) The terms of the guaranty must provide:
 - (1) If the owner or operator of a facility covered by the corporate guaranty fails to perform closure or post closure care or corrective action in accordance with the appropriate plan or permit whenever required to do so, the guarantor shall do so or establish a standby trust fund in the name of the owner or operator.
 - (2) The guaranty remains in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and the Director. Cancellation may not occur, however, during 120 days beginning on the date of receipt of the notice of cancellation by the Director, as evidenced by the return receipt.
 - (3) If the owner or operator fails to provide alternate financial assurance as specified in this rule, the guarantor shall provide alternate financial assurance in the name of the owner or operator.

- (e) The owner or operator must maintain the guaranty in the facility's official files.

111.6(8) **Local government dedicated fund** The owner or operator of a publicly owned MSWLF or local government serving as a guarantor may demonstrate financial assurance for closure, post closure and corrective action, whichever is applicable, by establishing a dedicated fund or account that conforms to the requirements of this subrule. A dedicated fund will be considered eligible if it meets one of the following requirements:

- (a) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order to pay for closure, post closure and corrective action costs, whichever is applicable, arising from the operation of the MSWLF and is funded for the full amount of coverage or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provided the remaining coverage; or
- (b) The fund is dedicated by state constitutional provisions, or local government statute, charter, ordinance, or order as a reserve fund and is funded for no less than the full amount of coverage or funded for part of the required amount of coverage and used in combination with other mechanisms(s) that provide the remaining coverage.
- (c) The owner or operator of a publicly owned MSWLF or local government serving as a guarantor may demonstrate financial assurance for closure, post closure care, and corrective action, whichever is applicable, by establishing a dedicated fund or account that conforms to all of the following requirements.

(1) The fund must be dedicated by state or local government statute, charter, resolution, ordinance, or order to pay for closure or postclosure or corrective action costs, whichever is applicable, arising from the operation of the MSWLF.

(2) Payments into the dedicated fund must be made annually by the owner or operator for ten (10) years or over the remaining life of MSWLF, whichever is shorter, in the case of a dedicated fund for the closure or post closure care, over one half of the estimated length of an approved corrective action program in the case of a response to a known release. This is referred to as the "pay-in period."

(3) For a dedicated fund used to demonstrate financial assurance for closure and post closure care, the first payment into the fund must be at least equal to the current cost estimate, divided by the number of years in the pay-in period as defined in paragraph (b) of this subsection. The amount of subsequent payments must be determined by the following formula:

$$\text{Payment} = \frac{\text{TF-CF}}{Y}$$

Where TF is the total required financial assurance for the owner or operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in-period, and

(4) For a dedicated fund used to demonstrate financial assurance for corrective action, the first payment into the dedicated fund must be at least one half of the current cost estimate, divided by the number of years in the corrective action pay-in period as defined in paragraph (b) of this subsection. The amount of subsequent payments must be determined by the following formula:

$$\text{Payment} = \frac{\text{RB} - \text{CF}}{\text{Y}}$$

where RB is the most recent estimate of the required dedicated fund balance, which is one half the total cost that will be incurred during the second half of the corrective action period, CF is the current amount in the dedicated fund, and Y is the number of years remaining in the pay-in period.

111.6(9) Use of Multiple Financial Mechanisms An owner or operator may satisfy the requirements of trisection by establishing more than one financial mechanism per facility. The mechanisms must be a combination of those mechanisms outlined in this chapter and must provide financial assurance for an amount at least equal to the current cost estimate for closure, post closure or corrective action, whichever is applicable. The financial test and a guarantee provided by a corporate parent, sibling or grandparent may not be combined if the financial statements of the two firms are consolidated.

111.6(10) Use of One Mechanism for Multiple Facilities An owner or operator may satisfy the requirements of this section for multiple MSWLFs by the use of one mechanism if the owner or operator ensures that the mechanism provides financial assurance for an amount at least equal to the current cost estimates for closure, post closure and corrective action, whichever is applicable, for all MSWLFs covered. The language of the mechanisms listed in this section must ensure that the instruments satisfy all of the following criteria:

- (a) The financial assurance mechanisms must ensure that the amount of funds assured is sufficient to cover the costs of closure, post-closure, and corrective action for known releases, whichever is applicable;
- (b) The financial assurance mechanisms must ensure that funds will be available in a timely fashion when needed.
- (c) The financial assurance mechanisms must be obtained by the owner or operator by April 9, 1995 or prior to the initial receipt of solid waste, whichever is later, and no later than 120 days after the corrective action remedy has been approved by the department until the owner or operator is released from the financial assurance requirements.

- (d) The financial assurance mechanisms must be legally valid, binding, and enforceable under Iowa law.

Mr. Stokes reviewed the rules explaining the mechanisms worked out by the advisory group.

Nancylee Siebenmann expressed concern that the language used in 111.4(a) could encourage cost escalation by the people providing estimates. She related that somewhere it should state "best estimate" rather than "highest estimate."

Mr. Stokes stated that it would be very difficult to do that because there is such a variation in landfills adding that estimates will be case-by-case depending on the landfill. He related that perhaps there will be comments made on that issue during the public comment period.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapters 103 and 111, Landfill Financial Assurance. Seconded by Clark Yeager. Motion carried unanimously

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 67, SEWAGE SLUDGE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action and schedule public hearings on the attached rules.

The proposed revisions pertain to the regulation of municipal sewage sludge disposal. New federal regulations applicable to sewage sludge were published on February 19, 1993. These regulations affect Iowa municipal wastewater treatment facilities and how they dispose of sewage sludge by land application, incineration and landfilling. The regulations require an NPDES permit for sludge land application or disposal.

Iowa currently has rules that govern municipal sewage sludge disposal. Revision of the rules are necessary to be compatible with EPA regulations and to request delegation of sludge permitting authority from EPA to avoid dual regulation.

The department is working with an advisory committee representing varying interests to review and develop the proposed rules. Because EPA regulations are complex, we are proposing to remove land application of sewage sludge from state regulation as a solid waste in Chapter 120 - 121 and regulate it in the proposed Chapter 67. Septage disposal would be regulated under Chapters 68 and 69. Chapters 102 and 103 regulate landfill disposal. Chapter 23 regulates air emissions from sewage sludge incinerators.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes explained that this rule basically takes out of the Solid Waste Section the rules pertaining to application of sewage sludge from municipal wastewater treatment plants and incorporates it into this new chapter. He added that this ties it up with the wastewater discharge permit they are required to have. Mr. Stokes stated that in looking at the federal scheme the new term for sludge is "biosolids," but the department has chosen to continue with the terminology "sludge."

Brief discussion followed regarding the use of sludge for home gardens.

Chairperson Hartsuck asked if there is anything in these rules that would keep a local government from prohibiting the application of sewage sludge.

Mr. Stokes stated that there is nothing in the rules that prohibit local governments from establishing regulations more restrictive than what is contained in these rules or from definitely prohibiting the application of sewage sludge.

Discussion followed regarding helium concentration restrictions; low exposure and high exposure areas; and regulations governing the application of animal wastes.

Motion was made by Nancy Lee Siebenmann to approve Notice of Intended Action--Chapter 67, Sewage Sludge. Seconded by William Ehm.

Appointment - Ted Payseur

Ted Payseur, Iowa Water Pollution Control Association, addressed the Commission stating that he was very happy to be included in the ad hoc committee that worked on these rules. He distributed copies of the following suggested revisions to the rules.

The following are suggested revisions to item "c." of "67.7(2) Management practices for class I sewage sludge", and items "d.", "g.", "h.", "i.", and "k." of "67.8(2) Management practices for class II sewage sludge." of "Chapter 67 - STANDARDS FOR THE LAND APPLICATION OF SEWAGE SLUDGE."

67.7(2) Management practices for class I sewage sludge.

c. Sewage sludge shall be applied to the land at an annual whole sludge application rate that is equal to or less than the agronomic nitrogen uptake rate, unless otherwise specified by the department.

67.8(2) Management practices for class II sewage sludge

d. Sewage sludge shall be applied to the land at an annual whole sludge application rate that is equal to or less than the agronomic nitrogen uptake rate, unless otherwise specified by the department.

f. Land application sites shall have soil pH maintained above 6.0, unless (i) crops prefer soils with lower pH conditions, (ii) the sludge meets the pollution concentrations contained in table 1, or (iii) does not exceed calcium carbonate equivalent levels according to sound farm management practices.

g. If the sewage sludge is applied to land on which the soil loss exceeds the soil loss limits established by the county soil conservation district, the sewage sludge shall be injected on the contour or shall be applied to the surface and mechanically incorporated into soil within 48 hours of application. The sewage sludge shall not be applied to ground having greater than 9 percent slope unless approved by department.

h. Sewage sludge application on frozen or snow covered ground should be avoided, unless special precautions are taken such as proven farm management practices to avoid runoff. If application on frozen or snow covered ground is necessary, it shall be limited to land areas of less than 5 percent slope unless approved by department.

i. Sewage sludge shall not be applied to the land that is 35 feet or less from an open waterway. If sewage sludge is applied within 200 feet, but no closer than 35 feet, of a stream, lake, sinkhole, or tile line surface intake located downgradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application unless approved by department.

k. Sewage sludge shall not be applied within 200 feet of an occupied residence or within 200 feet of an actively used drinking water or livestock watering well, or within 200 feet of other wells. Distances may be reduced to a minimum of 35 feet with the written agreement of both the owner and occupant and an approved farm management plan which addresses soil erodability, harvest residuals, buffer strips, and other sound farm management practices. The farm management plan shall be approved by the local soil conservation district commission in accordance with regulations found in Iowa Code Sections 467A.42 to 467A.51.

Mr. Payseur stated that the big issues are setbacks and levels of application. He related that they always try to include the importance of sound farm management practices in their comments. Mr. Payseur stated that a 500 foot setback from all wells is a bit of overkill. He discussed the amount of nitrogen that could be applied without causing groundwater contamination. In conclusion, he asked the Commission to include his suggested revisions to the rules if possible.

Mr. Stokes stated that on separation distances the only problems are where adjacent neighbors, who are not having applications made, do not like it being applied within 200 feet of their well or 35 feet of their property line. He added that he does not have any problems with Mr. Payseur's suggested rule revisions.

Rozanne King asked if the suggested revisions were not added at this time if the rule would have to go back out to public comment.

Mr. Stokes stated that if the Commission feel there is viability to the suggested revisions, it would probably be best to include that language and get public comments on it at this time.

Nancylee Siebenmann stated that she is concerned with having sludge application made close to a drinking water well.

Mr. Payseur stated that in the Code there is a requirement for taking soil samples prior to the application of sludges and consideration is given to lifetime accumulation of metals.

Nancylee Siebenmann withdrew her motion. William Ehm concurred with withdrawal of the motion.

Rozanne King asked who will receive notices of the public hearings on these rules.

Mr. Stokes stated that all public owned treatment works, county units of government, agricultural groups, newspapers, radio and TV stations will receive notice.

Rozanne King asked if there are any requirements to notify adjacent landowners when sludge is applied.

Mr. Stokes stated that most publicly owned treatment works would inform people but they are not required to do so.

Discussion followed regarding the suggested rule revisions.

Motion was made by Nancylee Siebenmann to approve Notice of Intended Action--Chapter 67, Sewage Sludge with the inclusion of the suggested rule revisions provided by Mr. Payseur. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

**FINAL RULE--CHAPTER 22, AIR EMISSION SOURCE OPERATING PERMITS
(OPERATING PERMITS AND ACID RAIN PROVISIONS)**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached as final rules. These rules require sources of air emissions to obtain operating permits and incorporate acid rain provisions as required under the Federal Clean Air Act.

~~Public hearings were held in Oakdale, Fort Dodge and Des Moines, and written comments were~~ accepted through November 17, 1994. The comments received have been summarized in the attached Public Participation Responsiveness Summary.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes stated that Iowa was one of only seventeen states to submit their application in November as required by federal law. EPA has indicated that they do not consider the application to be 100% complete because the rules are not yet timely adopted. He related that if the department does not submit final rules soon, EPA may levy sanctions on the state for not meeting the deadline. Mr. Stokes reviewed that staff worked on these rules with an ad hoc committee comprised of industry and other interests. He stated that in the package submitted to EPA the projected annual budget was five to six million dollars to run the permit program. He related that at a fee of \$29.26/ton will generate more money than is needed but EPA has not yet come out with full guidance of what it takes to have an approved program. There may be additional requirements that would require more resources. Also, staff does not know what documentation will be needed as a test of approvability for the fee system. Mr. Stokes noted that staff chose not to include the 4,000/ton per facility cap rather than the 4,000/ton per pollutant cap because there is no way to generate enough money to run the program with that concept. He stated that the department needs to get something adopted so EPA can inform staff of any flaws.

Appointment - Amy Couch

Amy Couch, Attorney for Iowa Rural Electric Cooperatives, expressed concern with the department's estimated cost of six million dollars per year to run the air program. She related that the Clean Air Act gives the DNR authority to charge fees for reasonable costs to run the program, not for two million dollars in excess of those costs. She asked the Commission to reduce the per-ton fee to pay only for the program and no cushion. Ms. Couch discussed the FTE cap for state departments and asked the Commission to request that the Governor lift the cap on the number of employees the DNR can employ. She related that the business community supports Iowa retaining the program, the per-ton fees, and hiring of additional people, but in turn they expect to receive operating permits in a timely manner.

Appointment - Jack Clark

Jack Clark, Iowa Utility Association, addressed the Commission stating that the the Association supports continued administration of the air quality program by DNR. He noted that in conjunction with other utilities, the Iowa Association of Business and Industry, and other business organizations, they have supported legislation imposing a temporary air toxics fee which provided \$1.8 million to the department for implementation of the Clean Air Act amendments. He added that they appreciated the opportunity to have a utility representation on the ad hoc committee and that it was a very positive mechanism for communications and exchange of information. Mr. Clark stated that a legislative committee was recently told by a DNR staff person that any excess funds would either be refunded to the companies, applied to a lower fee, or credited to the companies against their next year's fee. He related that this is consistent with the explanations he has been given in discussing the funding concept, but he is concerned since there is nothing in the rules to state that the surplus will be refunded or credited back to the companies. He also expressed concern with the presumptive fee amount set by the department and asked the Commission to give careful consideration to the fee structure proposed in the rules. He noted that several of their member companies asked staff to consider alternate fee mechanisms to more closely align the fee imposed on a facility with the amount of time which would be required by staff to review the permit application. Mr. Clark distributed copies of reference materials relating to the rules and fees; the Commission's authority to impose fees; federal regulations and guidelines on state permit programs; Senate bill proposing to take funding away from the state program; DNR's calculation of budget amount; the staffing plan; and revenue flows and how they are applied.

Mr. Stokes commented that these presentations have the appearance of confrontation and there is none because staff does not disagree with anything that has been said. He noted that the issue regarding staffing caps is not a subject related to the rules and it cannot be addressed by rules. He outlined the following options the Commission may take: 1) adopt the rules as presented with the \$29.26 presumptive fee; 2) back the fee down to more closely relate to the budget submitted, bearing in mind EPA can come back and say something different is needed and could cost more; or 3) delay action at this time and rethink the fees. Mr. Stokes strongly encouraged the Commission not to choose the third option and noted that he would recommend going with option #1, but could live with option #2.

Discussion followed regarding possibly charging a lesser fee and the fee amounts of the other 16 states who have submitted applications.

Appointment - Dave Dooley

Dave Dooley, Manager of Environmental Affairs for Midwest Power, distributed copies of a survey of 13 other states proposed Clean Air Act fees. He stated that the survey is based on an informal telephone and FAX survey he recently completed.

Nancylee Siebenmann commented that it seems illogical to adopt the rules with a big surplus and it makes the Commission look bad to do so. She asked how much the 4,000 ton per facility fee would generate and noted that it would be interesting to compare that with the amount generated by the 4,000 ton per pollutant scenario.

Mr. Stokes stated that there would be no problem working up those figures but he would like to see something approved today.

Appointment - Tom Albertson

Tom Albertson, Iowa-Illinois Gas and Electric, stated that he was the utility industry's representative on the ad hoc committee developing the rules. He related that one issue that did not get addressed was the issue of the fees. Therefore, he did an estimate using the 24 Phase II sources in Iowa, which represents about 5% of the sources in the state, and they would be funding approximately 50% of the program. He related that that is an impractical imbalance and he suggested an alternative of using a \$100,000 per facility cap, per year. Another alternative would be to put the cap on 4,000 tons per regulated pollutant. He related that based on his estimate there would be a drop in revenue of \$1,000,000.

Discussion followed in regard to altering the fee structure or possibly using caps, and whether EPA would allow the department extra time to fix anything EPA does not agree with.

Rozanne King asked if the Commission adopts a lower fee rate and EPA accepts it, if the Commission would have a chance to review and adjust it later.

Mr. Stokes stated that the Commission will probably be reviewing the fees annually.

Nancylee Siebenmann stated that the department should not make the expenses meet whatever revenue there is and provisions should be made to give any surplus back to the companies in one form or another.

Discussion followed regarding the possibility of refunds or credits being given and the monumental task that would entail.

Clark Yeager suggested that under 22.106(1), the fee be changed to \$24.00, and the word "department" in the last sentence be changed to "Environmental Protection Commission." He also suggested that an item be added under new number 22.106(6) dealing with the crediting of surplus funds back to the companies.

Mr. Stokes stated that rather than giving an automatic credit annually, the Commission should review the situation annually and decide at that time what action to take if there are surplus funds. He suggested that rather than talking about a rebate, credit, etc., the Commission may want to build into 22.106(1), intent language that states it is the intent that no more funds be generated by fees than is necessary to run the program.

Director Wilson stated that the key is that the Commissioners reserve for themselves the right to review the operating costs annually and adjust accordingly.

Mr. Clark stated that he thinks the Commission would be on the right track in providing an annual review process. He related that it was set up in the legislature that the funds should be used only for the program purposes. He added that he does not have a problem with the program ~~as long as it is not building an extremely large surplus.~~

Chairperson Hartsuck suggested that under 22.106(1), the fee amount in the first sentence be changed to \$24.00, and the last two sentences be replaced with the following: "The fee amount shall be reviewed annually by staff and Commission and adjusted to make revenues equal costs."

Motion was made by Gary Priebe to approve Final Rule--Chapter 22, Operating Permits and Acid Rain Provisions--Air Quality with the language changes suggested by Chairperson Hartsuck. Seconded by Charlotte Mohr.

William Ehm stated that he is concerned with the equity in this rule noting that he is not sure the 4,000 ton cap per pollutant is just. He suggested that if alternatives are reviewed, consideration might possibly be given to assessing anything over the 4,000 cap at half the original fee.

Mr. Stokes stated that staff could bring back to the April meeting some figures on the 4,000 ton per facility cap along with some decelerating fees over a certain threshold.

Rozanne King asked about the cap on FTE's and whether or not it can be changed.

Director Wilson explained that the department can work with the Governor's Office and Department of Management when necessary to get the FTE cap adjusted. He noted that EPA indicated a need for 50 FTE's to operate the water supply program and the department estimates a need for 35 -37 FTE's. He added that the department's approach will be to incrementally add staff each year if necessary.

Vote on Commissioner Priebe's motion carried unanimously.

APPROVED WITH AMENDMENTS

Don Ervin Trial Date

Referring back to the Monthly Reports item and Chairperson Hartsuck's question about the Don Ervin trial date, Mr. Murphy reported that the case was supposed to be scheduled for February 15 but for some reason the Judge did not issue the Order. He added that the Attorney General's Office is attempting to get a date set as soon as possible.

PROPOSED CONTESTED CASE DECISION--ECONOMY SOLAR CORPORATION

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On March 25, 1993, the Department issued Administrative Order 93-AQ-07 to Economy Solar Corporation. That action directed the appellant to comply with air quality regulations for asbestos removal, including notification regulations, and to pay a penalty of \$100.00. That action was appealed and the matter proceeded to administrative hearing on November 18, 1993. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on January 27, 1994. The decision affirms the Department's Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy reviewed the case in detail and noted that the department has not received an appeal to date.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

ALJ DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Dale Hall, d/b/a Hall Oil Co. (Des Moines) - Underground Tanks
- b. Robert Bodwell (Winterset) - Underground Tanks
- c. Wilbur McNear, d/b/a McNear Oil (Woodbine) - Underground Tanks

- d. Richard Newman (West Burlington) - Penalty
- e. Harrison County Sanitary Landfill - Solid Waste

Dale Hall

Mr. Murphy briefed the Commission on the history of this case regarding a UST site cleanup.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.

REFERRED

Nancylee Siebenmann asked if any recent tests have been done to make sure there is no free product remaining which could interfere with the residences and hotel in that area.

Mr. Murphy stated that he has not received any complaints about the site lately but he will check to see what kind of monitoring is being done.

Robert Bodwell

Mr. Murphy briefed the Commission on the history of this case regarding tank site cleanup.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.

REFERRED

Wilbur McNear, d/b/a McNear Oil

Mr. Murphy briefed the Commission on the history of this case involving tank site cleanup.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

REFERRED

Richard Newman

Mr. Murphy briefed the Commission on the history of this case involving illegal dumping and failure to pay the penalty.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

Harrison County Sanitary Landfill

Mr. Murphy stated that this case involves operational deficiencies as well as delays in getting their planning document submitted for permit renewal. He stated that last fall compliance with routine operational requirements for the facility ceased. He circulated photos showing the fill area which had no cover for one week at the time the photos were taken. Mr. Murphy stated that he checked with the local field office and just last week they started to cover. He stated that the landfill also did not submit required reports.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

REFERRED

DISCUSSION ON PROCEDURE FOR SCHACHTNER AND SCHMITZ HEARING

It was decided that since the Schachtner hearing was continued to a later date it is not necessary to hold discussion at this time.

GENERAL DISCUSSION**Protected Streams Rules**

William Ehm distributed copies of the following suggested revision to the Protected Stream Rule:

72.31(3) Protected stream channel change variance.

The department may grant variances to the prohibition of channel changes on protected streams for those cases listed in 72.31(2) "b" and "c" and "d", but such variances will be with provisions for mitigation of environmental damage.

Commissioner Ehm stated that he will offer a motion for this rule revision at the March Commission meeting. He explained that presently there are only two ways to achieve a variance

for a protected stream and those are to protect a building or a public roadway. He related that by adding "d" it allows variances for other cases where the applicant can clearly show that there are no adverse effects on the public interest. He pointed out that this does not open the door to channelization but it does make it more feasible if the need exists. Commissioner Ehm noted that this proposal is not in response to the ARC action and pointed out that he mentioned at the December meeting, and it is reflected in the minutes, that he would later submit an amendment to the rules.

Discussion followed regarding the appeal process through the Commission and the courts.

Mr. Stokes stated that the ARC argument is that people do not have appeal rights and it is viewed that the rules narrow down the appeal potential. He related that the Commission might want to state in the rules that they have appeal rights to the Commission. He stated that Commissioner Ehm's proposed revision may not satisfy the ARC as they still will not see it standing out that they have an appeal process.

Further discussion took place on the appeal process.

Mr. Stokes commented that the rules on 70-day hold will have to go to public hearing in the five Congressional districts and it should be mentioned in those meetings that the Commission is considering expanded appeal language.

Director Wilson encouraged the Commissioners to attend the public hearings in their area.

Consensus of the Commission was to touch base with ARC on Commissioner Ehm's proposed language revision and then take the rule to public hearings in the five Congressional districts.

Mississippi River Parkway Commission

Charlotte Mohr reported that she recently attended her first meeting of the Mississippi River Parkway Commission and it was very interesting. She noted that there are about 15 members on the Commission and it is a learning process. She added that they will meet on a quarterly basis.

Nancylee Siebenmann inquired as to whether anyone received information on a Global Initiatives Program emanating from UNI. She related that they would like to know if the Commission would want to be a co-sponsor. Commissioner Siebenmann indicated that she would FAX the information to the department.

ADDRESS ITEMS FOR NEXT MEETING

Report on rejection of grant funding for North Central Iowa Regional Solid Waste Agency

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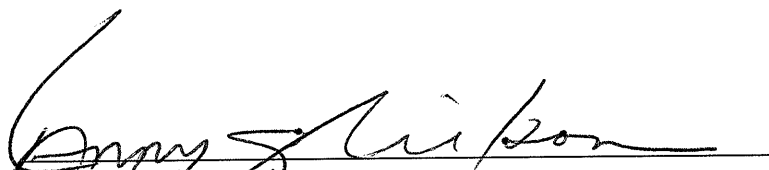
March 21, 1994


April 18, 1994

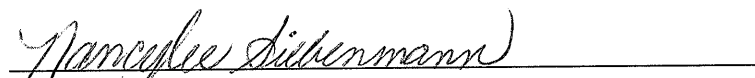
May 16, 1994

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 4:35 p.m., Monday, February 21, 1994.


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

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